

City of St. Helens Planning Commission November 8, 2016 Agenda

1. **7:00 p.m. Call to Order and Flag Salute**
2. **Consent Agenda**
 - a. Planning Commission Minutes dated October 11, 2016
3. **Topics from the Floor:** Limited to 5 minutes per topic (Not on Public Hearing Agenda)
4. **Architectural Review:** Sign Permit at 305 Strand Street (Big River Bistro)
5. **Public Hearing Agenda:** (times are earliest start time)
 - a. 7:00 p.m. - Zoning Map Amendment from HC to AR at Bradley Street - Jeremy & Sherri Thompson
 - b. 7:30 p.m. - **Continued** Subdivision (Elk Ridge Estates Phase 6) at Elk Meadows Dr. - 3J Consulting, Inc.
 - c. 8:00 p.m. - Variance at 59048 Whitetail Avenue - Robert & Martha Sipe
 - d. 8:30 p.m. - Variance at vacant lot east side of 134 N. 2nd Street - Wayne Weigandt
6. **Planning Commissioner Reappointment Recommendations**
7. **Acceptance Agenda: Planning Administrator Site Design Review:**
 - a. **Amended** Site Design Review at Lots 1-16, Block 27 of the South St. Helens Addition - OHM Equity Partners, LLC
8. **Planning Director Decisions:** (previously e-mailed to the Commission)
 - a. Lot Line Adjustment at S. 6th St. & Cowlitz St. - Bells Drafting & Construction
 - b. Sign Permit (Banner) at 2100 Block of Columbia Blvd. - Toy & Joy Auction
 - c. Lot Line Adjustment at 35732 Hankey Rd. - KLS Surveying, Inc.
9. **Planning Department Activity Reports**
 - a. October 25, 2016
10. **For Your Information Items**
11. **Next Regular Meeting: December 13, 2016**

Adjournment

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City of St. Helens
Planning Commission Meeting
October 11, 2016
Minutes

Members Present:

Dan Cary, Chair
Al Petersen, Vice Chair
Greg Cohen, Commissioner
Sheila Semling, Commissioner
Audrey Webster, Commissioner
Kathryn Lawrence, Commissioner
Russell Hubbard, Commissioner

Members Absent:

None

Staff Present:

Jacob Graichen, City Planner
Jennifer Dimsho, Assistant Planner & Planning Secretary

Councilors Present:

Ginny Carlson, City Council Liaison

Others Present:

Andrew Tull
Mark Zoller
Keith Forsyth
Mike Wilkins
Ken Jillson
Agnes Petersen
Erin Geile

The Planning Commission meeting was called to order by Chair Dan Cary at 7:00 p.m. Chair Cary led the flag salute.

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Consent Agenda

Approval of Minutes

Commissioner Semling moved to approve the minutes of the September 13, 2016 Planning Commission meeting. Commissioner Webster seconded the motion. Motion carried with all in favor. Chair Cary did not vote as per operating rules.

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Topics From The Floor

Vice Chair Petersen said the final Waterfront Redevelopment Open House is tomorrow on the Veneer property in the event tent. It starts at 5 p.m. and anyone can show up to view the materials or ask questions until 7 p.m. The event will be a celebration of the process and final framework plan product.

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Public Hearing

3J Consulting, Inc.

Subdivision / SUB.1.16

Elk Ridge Estates (Phase 6)

It is now 7:01 p.m. and Chair Cary opened the public hearing. Vice Chair Petersen declared he has a conflict of interest and an ex-parte contact in this matter. His mother, an attorney, is representing someone who is testifying tonight. He will not participate in the hearing.

City Planner Jacob Graichen entered the following items into the record:

- Staff report packet dated October 4, 2016 with attachments

Graichen introduced the proposal and the recommended conditions of approval, as discussed in the staff report. He said a preliminary plat was originally approved in 2013 (SUB.1.13), but they did not finish development within the allotted time. Graichen discussed the conditions that have been added to the original SUB.1.13 conditions.

Commissioner Cohen asked about the proposal's proximity to quarries. Graichen pointed out surrounding quarries on the map. Chair Cary asked about the water tank on the aerial photo of the site. Graichen said it is a city-owned high-elevation water tower. Commissioner Webster asked who is responsible for maintenance of the required booster pump once installed. Graichen said it would be the City's responsibility once installed.

Graichen discussed the history of condition 3(d) which is a plat restriction regarding the rights of the mining operations surrounding the site. Knife River, a quarry operator, supports the condition as written and recommends incorporating into the lot deeds that future landowners are restricted from remonstrating against such lawful mining activities.

Commissioner Cohen asked how long the 2013 traffic impact analysis is accurate. Graichen said there hasn't been substantial development in that area since 2013. Staff feels the existing report is sufficient, but the Commission can come to a different conclusion.

IN FAVOR

Tull, Andrew. 3J Consulting, Inc. Applicant. Tull is grateful to the Commission for volunteering their time and to staff for helping them through this process. Tull said the site is currently under construction and nearly finished. Tull feels the applicant, staff, and engineering all have a good idea of what is necessary to receive final plat approval as soon as possible. Tull agrees with all conditions that Graichen has included in the staff report, except for 2(f), which was worked out between the City and applicant before the hearing. He has entered a letter into the record addressing this requested change.

Tull addressed the stormwater plan. He said sometimes preliminary plans change, but they will provide as-builts for the system if any changes are made. Although they may not be addressed in the stormwater plan initially, any underground springs encountered on-site will be addressed with piping and included in the as-builts. Tull said the water tower just north of the property is for the site. City Engineering is requiring a booster pump to properly serve the properties.

Commissioner Cohen asked if erosion has been addressed. Tull said most of the erosion threats are over and that sedimentation is intercepted before reaching the catch basins.

Zoller, Mark. St. Helens Assets, LLC. Property Owner. Zoller is a managing member of St. Helens Assets, LLC, the property owner of the site. Chair Cary asked what work is left to be done on site. Zoller said the streets have been paved and curbed. The wet and dry utilities are already in the ground. The location for the booster pump station has been established, the pump has been designed, street lights have been paid and the pedestals are installed, but they are waiting on the PUD for installation, and 99 percent of grading is done. Zoller said there will be some erosion control before winter to take care of, but the site is pretty much home-ready.

Commissioner Cohen asked where the proposed retaining walls will be. Zoller said there are none proposed because the slopes are not significant enough. However, Zoller said if they sold the site to another builder and they chose to develop it differently, then the retaining wall condition would require that they submit engineered plans and provide easements.

Petersen, Agnes. 222 S. 1st Street. Petersen is representing Ken Jillson and Keith Forsythe. She submitted a document into the record and discussed with the Commission what was included. Jillson owns ten acres and Forsythe owns fifty acres of property near the subdivision. Petersen wants to ensure that future land owners understand they are within a short distance to mining operations before they purchase the property. She said the only thing preventing future property owners from staring at the quarry are a few trees. Some future homes will be within 60 feet of Forsythe's mining operation. Petersen went through photos that demonstrate the proximity of the quarry to the lots. Petersen said these quarries are hard-rock quarries. They cause vibrations from blasting.

Petersen is requesting a Waiver of Remonstrance (WoR) that would require future property owners to waive their right to remonstrate against the existing mining operations, so long as they operate within the law. She explained that the WoR runs with the land and is recorded on the deed. She said this a reasonable request and well within the Commission's authority.

Petersen described the importance of aggregate and quarries in maintaining and building street networks in Oregon. Petersen said quarrying operations are heavily regulated and inspected by the state. Goal five protects their right to operate. On the flipside, Petersen said the consumers should also have the right to be notified. Petersen said that when a title examiner is gathering materials for the preliminary title report for a potential buyer, it is important that there is documentation of the mining operations that has been recorded with the County (e.g., WoR). If it is only on the final plat, the information may be lost.

Commissioner Cohen asked if the state has a required setback from mining operations. Petersen said it is 50 feet. Commissioner Cohen clarified that the current operations cannot expand any closer to the subdivision than they already are.

Jillson, Ken. 35091 Hankey Road. Jillson is not opposed to this project. He has owned a quarry and been mining for 42 years. Jillson would like potential buyers to be notified of their purchase up front. The City's proposal to include the notice on the plat will never be seen by the potential buyers because it is not picked up by the title company. Jillson does not want the subdivision to be filled with people who have not been notified about their operations (which are legally operating under state and federal laws). Jillson said he has to protect his property and resources.

Forsythe, Keith. 3329 Tide Creek Road, Deer Island. Forsythe owns the 50-acre quarry directly west to the subdivision. He wants to be good neighbors to the people who move in adjacent to this operation. He doesn't want to create 50 enemies because of a mining operation that has been in operation since before World War II. Forsythe said he is required to stay away from the Prairie Creek Road and Prairie Creek, so

their operations cannot get any closer to the subdivision than they already are.

Geile, Erin. 35661 Spotted Hill Drive. Geile just bought her home. She loves it, but has no water pressure. Geile said on a good day, their pressure might hit 40 PSI. She said if it hits 25 PSI, the City will step in. Geile said they are at the top of the development, so they do not have enough draw. She said the City has told her that she can put in a private pump or they can ask the developer to fix the problem when they expand. She asked if there is any accommodation that the developer can make to increase her water pressure. Commissioner Cohen asked if she was the only one who has complained to the City about the low water pressure. She said everyone on her block has problems and she is not the only one who has complained.

REBUTTAL

Zoller, Mark. St. Helens Assets, LLC. Property Owner. Zoller said they did not develop the infrastructure of the existing lots. This is the first time he is hearing of the low water pressure issue in the existing lots. Zoller said for the lots they are developing, one of the solutions was to install individual pumps to increase water pressure. However, there were too many lots, so a booster pump became the solution. He said they just paid \$18,000 to design and engineer the booster pump. He does not know if it will increase the water pressure to existing lots as well as the new lots.

Zoller said he personally owns a 30-acre rock quarry in eastern Oregon, so he understands the permitting process. Zoller said giving potential buyers full disclosure is important, because he doesn't want buyers to come back and say they did not know there was a mine nearby. However, Zoller said he feels the method of notice may be wrong. Zoller said they have a disclosure document that states the mining operations in their Purchase and Sale Agreement. It requires a signature. Zoller said he doesn't feel a WoR is necessary. He has mixed emotions about the Commission's authority to prevent any future legal action on the mining operations with a WoR. He said it seems unconstitutional in some ways, but it may also protect them in the future. Zoller feels that the notice on the plat seemed like a good compromise.

END OF ORAL TESTIMONY

CLOSE PUBLIC HEARING

FURTHER QUESTIONS OF STAFF

Commissioner Lawrence asked about the scope of the decision being made tonight. Graichen said the Commission has the authority to approve the preliminary plat. Graichen said the applicant's change to condition 2(f), as included in the record, is pretty straight forward. Graichen said the condition to include the notice on the plat regarding mining is what the Commission needs to make a decision on. Two additional proposed conditions are included in testimony provided by Petersen. Commissioner Cohen asked if the City has a history of including Waivers of Remonstrance. Graichen said yes, particularly for the formation of Local Improvement Districts (LIDs) for street improvements.

Graichen said the Commission can leave the record open to allow the applicant to research and confirm the new proposed conditions. In particular, Graichen said the applicant is concerned about the accuracy of the specific deed references. The Commission asked those who already spoke to address the Commission and answer a few questions.

Petersen, Agnes. 222 S. 1st Street. Petersen said that the Commission could accept the proposal with the additional conditions as proposed tonight and require that the applicant verify and correct any incorrect

deed references. She said incorrect deed references are not enough of a reason to continue deliberations.

Tull, Andrew. 3J Consulting, Inc. Applicant. The applicant would like to leave the record open so that they can submit additional information into the record. Tull said they have concerns about the Waiver of Remonstrance requirement. They would like to consider a revised condition for the next meeting. Tull said they want to come to a mutually agreeable condition. Commissioner Cohen asked if the applicant would waive the 120-day rule. Tull agreed to extend the 120-day period for the additional time to leave the record open and continue the Commission’s deliberations to next month.

Jillson, Ken. 35091 Hankey Road. Jillson hopes the wording on the deed continues onto each subsequent phase. He said it has been 22 years and this issue has still not been solved. He has to fly in from out of the country to ensure that his interests are represented. He wants his assets to be protected.

MOTION

Commissioner Cohen moved to leave the record open an additional seven days for the applicant, seven days for a response, and seven days for the final written argument from the applicant. Deliberations will continue on November 8, 2016 at or after 7:30 p.m. Commissioner Webster seconded. All in favor; none opposed; motion carries.

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Acceptance Agenda: Planning Administrator Site Design Review

- a. Site Design Review at Lots 1-16, Block 27 of the South St. Helens Addition - OHM Equity Partners, LLC

Assistant Planner Dimsho said there will be a revised version of this decision on next month’s agenda.

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Planning Director Decisions

- a. Sign Permit (Banner) at 2100 Block of Columbia Blvd. - Kick-off Halloween Parade
- b. Home Occupation (Type I) at 48 Red Cedar St. - Cupcake bakery delivery business
- c. Sign Permit (Wall) at 58731 S. Columbia River Hwy - Replace existing Papa Murphy’s sign
- d. Sign Permit (Wall) at 745 S. Columbia River Hwy - Replace gas station canopy signs
- e. Home Occupation (Type I) at 34966 Roberts Ln. - Home office/brewery
- f. Tree Removal Permit at 203 S. Columbia River Hwy - Remove six trees (2 clusters) along Milton Creek

There were no comments.

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Planning Department Activity Reports

There were no comments.

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For Your Information Items

There were no for your information items.

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There being no further business before the Planning Commission, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Jennifer Dimsho
Planning Secretary

2016 Planning Commission Attendance Record

P=Present A=Absent Can=Cancelled

Date	Petersen	Hubbard	Lawrence	Cohen	Cary	Semling	Webster
01/12/16	P	P	P	A	A	P	P
02/09/16	A	P	P	P	P	P	P
03/08/16	P	P	P	A	P	P	P
04/12/16	P	P	P	P	P	P	P
05/10/16	P	P	A	P	P	P	P
06/14/16	P	P	P	P	P	A	P
07/12/16	P	P	P	P	P	P	P
08/09/16	CAN	CAN	CAN	CAN	CAN	CAN	CAN
09/13/16	P	P	P	P	P	P	P
10/11/16	P	P	P	P	P	P	P
11/08/16							
12/13/16							



CITY OF ST. HELENS PLANNING DEPARTMENT

M E M O R A N D U M

TO: Planning Commission (as acting Historic Landmarks Commission)
FROM: Jennifer Dimsho, Assistant Planner
RE: New permanent sign for the Muckle Building — 305 Strand Street (Big River Bistro)
DATE: October 31, 2016

Being in the Riverfront District (RD) zone, the sign is subject to review by the Historic Landmarks Commission (HLC) pursuant to SHMC 17.32.170(7).

Please review the Architectural Design Guidelines for the discussion about how whether or not the proposed sign follows them. Your recommendation will be incorporated into the decision.

The Architectural Design Guidelines are available online if you misplaced your copy:
<http://www.ci.st-helens.or.us/planning/page/riverfront-district-architectural-design-guidelines>

Note that because this property is also a Special Assessment Property (it receives a tax break through a state program), the State Historic Preservation Office (SHPO) also reviewed the proposed sign. SHPO's recommendation has been incorporated into the staff report (attached) and included as a condition of approval.

Attached: *Staff Report*
Sign Photo
Sign Plan

**CITY OF ST. HELENS PLANNING DEPARTMENT
PLANNING ADMINISTRATOR REVIEW
Sign Permit S.17.16**

PROPOSAL: Install a non-illuminated, double-sided, projecting sign on existing building
LOCATION: 305 Strand Street; Tax Assessor Map No. 4N1W-3BD-100
ZONING: Riverfront District, RD
STANDARDS: Chapter 17.88 SHMC
NOTICE: Sent to affected property owner(s) and applicant

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

A Sign Permit application can be approved if the application complies with all of the applicable provisions of this chapter, and any other objective requirement imposed by law. No standard shall be applied to deny a permit if the operation of that standard violates a constitutional right of the applicant.

Findings:

- **Applicable sign district (SHMC 17.88.050):** Commercial/industrial (for the first floor)
- **Type of sign proposed:** Projecting sign (projecting beyond the building >12 inches) on the Strand Street elevation
- **Applicable standards of sign district:** The Strand Street side is considered a “primary frontage” having an entrance/exit open to the general public. Total wall and projecting signs shall not exceed 12% of the primary frontage. Currently, there is no other signage on the Strand Street side of the building. 12% of the total elevation (approximately 711.16 square feet) is about 85.34 square feet. In this case, the projecting sign has two faces with the sign area approximately 9.42 square feet, totaling 18.84 square feet.

The maximum size for a projecting sign is 20 square feet per face and a maximum of 40 square feet total. This sign does not exceed these maximums.

- **Standards specific to type of sign:** The sign will likely project into the public right-of-way. This is acceptable given that the following is true: 1) the building face is within 5 feet of a property line (it is on the property line more or less), 2) no external/visible bracing such as guy wires are proposed, 3) the sign does not extend more than 8 feet from the building face (it extends under 5 feet), 4) the sign is below the roof line/parapet, 5) the sign has at least an 8 feet clearance from the sidewalk (approximately an 8.5 feet clearance is proposed), and 6) the outer edge is setback a minimum 2 feet back from the curb (approximately 6 feet from the curb is proposed).
- There is also a 20 spacing requirement between such signs. There are no other signs on this elevation.

- **Illumination standards:** Proposed sign will not be illuminated.
- **Other requirements/issues:** Being in the Riverfront District zone, the sign is subject to review by the Historic Landmarks Commission (HLC) pursuant to SHMC 17.32.170(7). The Planning Commission (and acting HLC) reviewed this proposal at their November 8, 2016 meeting. <The Planning Commission needs to determine if the proposal is consistent with the Architectural Design Guidelines for the Riverfront District.>
- The property also gets a special assessment as a historic structure, so improvements are required to be reviewed by the State Historic Preservation Office (SHPO). SHPO said the sign should be installed in the mortar joints and not into the historic masonry units.

Conclusion: The proposed sign complies with the appropriate standards.

CONCLUSION & DECISION

Based upon the facts and findings herein, the City Planning Administrator approves of this **Sign Permit for a permanent sign**, with the following conditions:

1. This approval shall be valid for six months from the date of approval pursuant to SHMC 17.88.130. The sign permit shall be void if installation is not completed within this period or if the sign does not conform to the approved permit.
2. The planning director may revoke this sign permit if the director finds that there was a material and misleading false statement of fact in the permit application.
3. The sign shall be installed in the mortar joints, not into the historic masonry units.
4. <Any recommendation from the PC>

Please note, this is a *land use* approval and other permits (e.g. building and electric permits) may be required *in addition* to this Sign Permit.

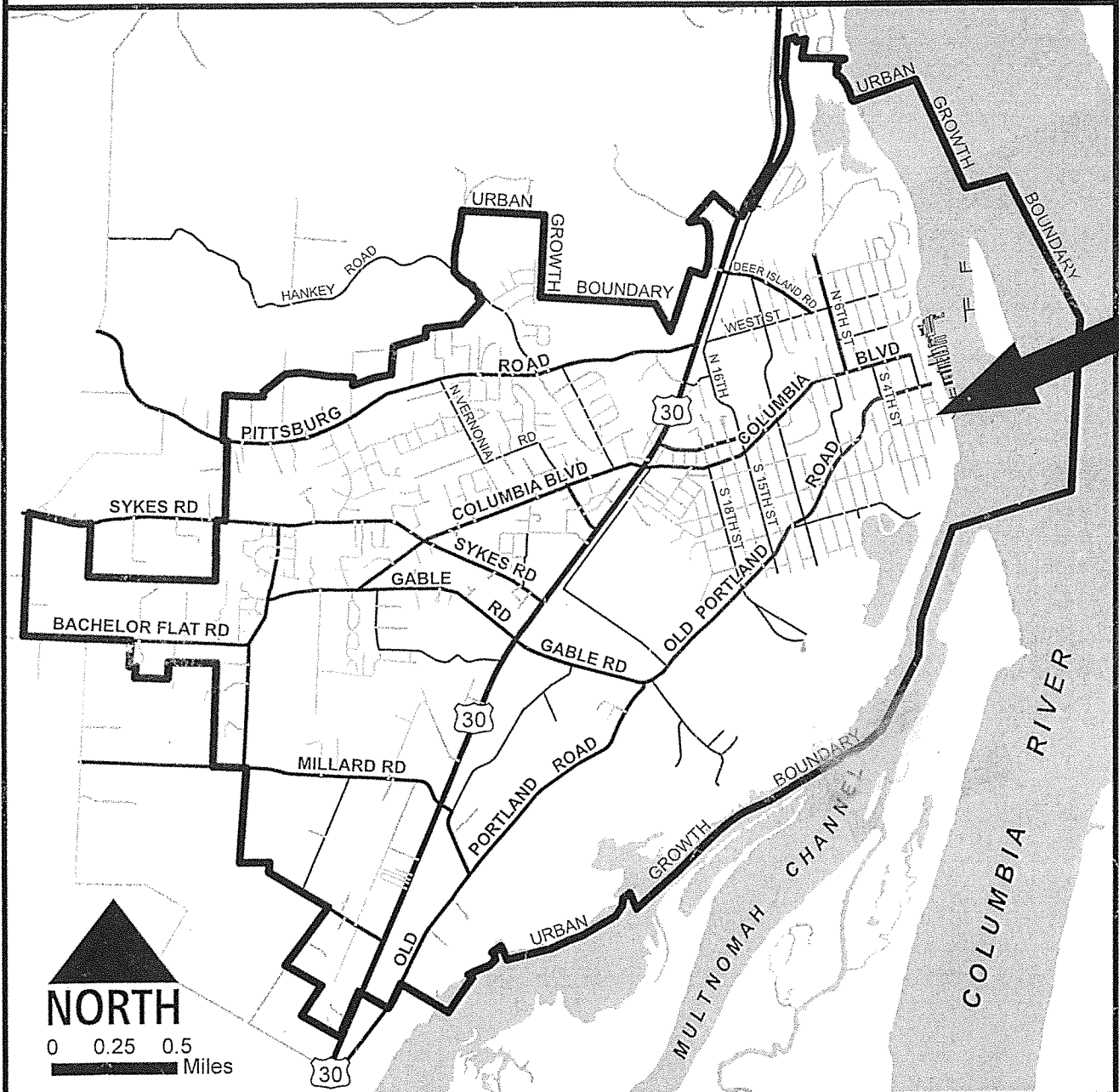
Date

Jacob A. Graichen, AICP, City Planner

Attached: *Sign photo, sign plan*

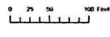
SUBJECT PROPERTY

~ Approximate Location ~



City of St. Helens Urban Growth Boundary Area Vicinity

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



S.E. 1/4 N.W. 1/4 SEC. 3 T. 4N. R. 1W. W.M.
COLUMBIA COUNTY

1" = 100'

04 01 03 BD
ST. HELENS

CANCELLED:
2900 THRU 3800
3901
4701
5600
5700 THRU 6700

MILE 1
W. CHNL.

1/16
COR.



2-01

subject property

WILAMETTE CHANNEL

Map Revised: 04/20/12

04 01 03 BD
ST. HELENS

Jennifer Dimsho

From: Gainor Riker <gainorriker@icloud.com>
Sent: Tuesday, October 11, 2016 3:16 PM
To: Jennifer Dimsho
Subject: Big river bistro

305 Strand

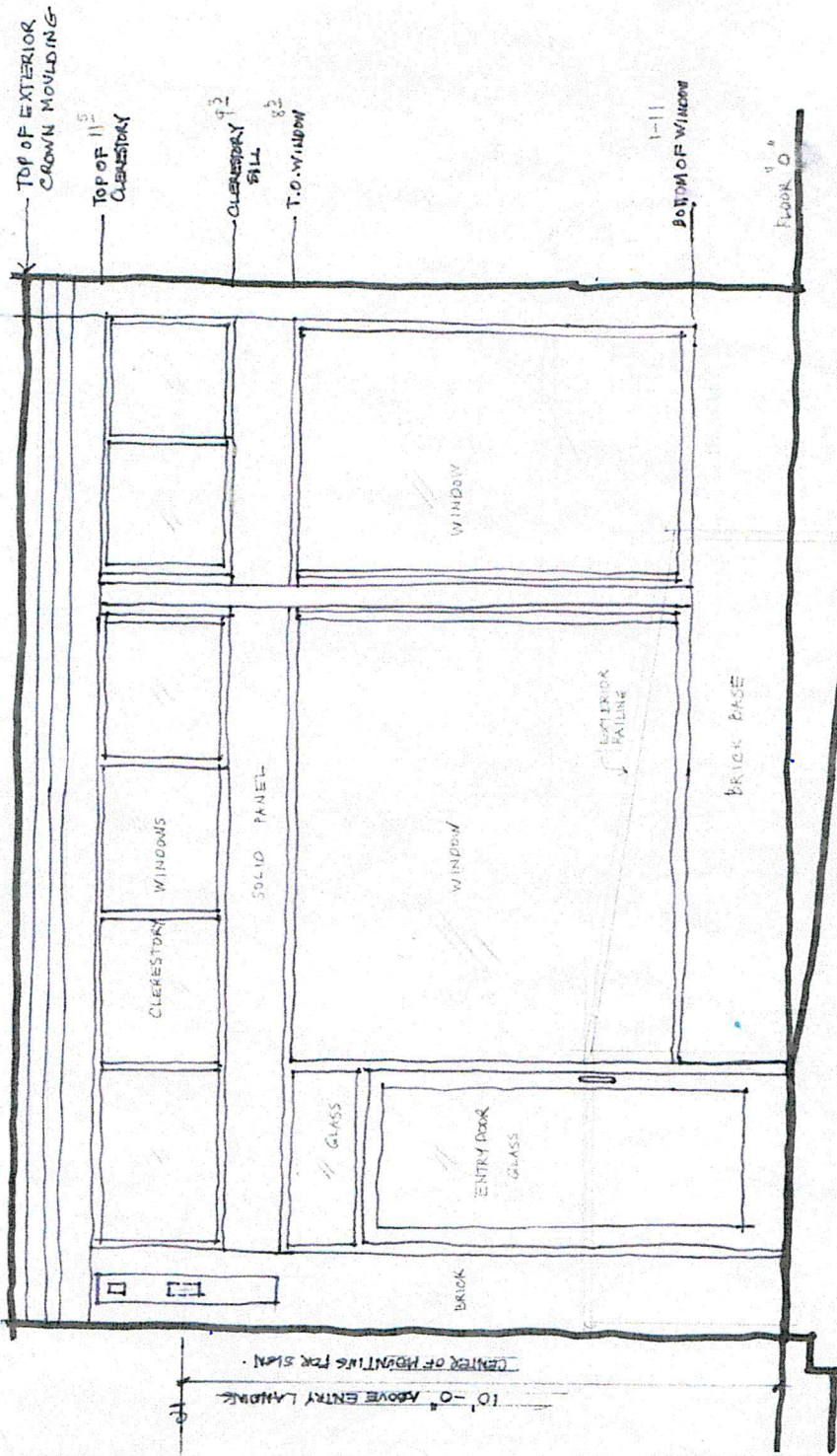


Sent from my iPad

The sign is 36" in diameter and is mounted onto a posted bracket with 2 holes for attachment. Per Clark Signs installation instructions, they will be pre-drilling into the existing brick and attaching the sign with 2 (two) 6" long x 1/2" diameter screws, and sealing with silicone.



dual faced



BIG RIVER BISTRO EAST ELEVATION (ENTRY)

SCALE: 10...16

CITY OF ST. HELENS
BUILDING DEPARTMENT
DRAWING APPROVED

DATE: *10/11/16*
Robert J. J. J.
PLANS EXAMINER

BUILDING DEPT. COPY

**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
CPZA.2.16**

DATE: November 1, 2016
TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner
Jennifer Dimsho, Assistant Planner

APPLICANT: Jeremy & Sherri Thompson
OWNER: Same

ZONING: Highway Commercial (HC)
LOCATION: 4N1W-4BC-2400
Bradley Street

PROPOSAL: Zone Map Amendment from Highway Commercial (HC) to Apartment Residential (AR)

The 120-day rule (ORS 227.178) for final action for this land use decision is not applicable per ORS 227.178(7).

SITE INFORMATION / BACKGROUND

The subject property is 0.4 acres located on Bradley Street off Columbia Blvd., just west of US 30, between Marshall Street and Shore Drive. The site has an existing 40' x 96' shed that was constructed in 1982 to store buses. In 1985, a Conditional Use Permit was approved to be used as storage for trucks, campers, boats, etc. In 2000 for the subject property and the adjacent property to the east, the Conditional Use Permit was modified to include maintenance on towed vehicles using the existing building. However, this approval was specific to the adjacent property to the east and appears to not include the subject property. The site is unpaved (gravel) and contains a fence around the perimeter. There is a multi-dwelling complex (Norcrest) abutting the property to the north, a church across the street, and outdoor storage to the south and east of the property.

PUBLIC HEARING & NOTICE

Hearing dates are as follows:

November 8, 2016 before the Planning Commission
December 21, 2016 before the City Council

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject properties on October 20, 2016 via first class mail. Notice was sent to agencies by mail or e-mail on October 20, 2016. Notice was published in the The Chronicle on October 26, 2016. Notice was sent to the Oregon Department of Land Conservation and Development on October 4, 2016.

AGENCY REFERRALS & COMMENTS

As of the date of this staff report, the following agency referrals/comments have been received that are pertinent to the analysis of this proposal.

City Engineering: “Regarding potential future development: Public sanitary sewer main will need to be extended to serve property. Depending on extent of future development, 4” water main on Bradley Street may need to be upsized to meet water supply requirements. No objections to this zone change.”

Oregon Department of Transportation: “The zone change will have negligible traffic impacts and will not have a significant effect on the state system. Additionally, the zone change is consistent with the City’s 2016 Comprehensive Plan.”

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

SHMC 17.20.120(1) – Standards for Legislative Decision

The recommendation by the commission and the decision by the council shall be based on consideration of the following factors:

- (a) The statewide planning goals and guidelines adopted under ORS Chapter 197;
- (b) Any federal or state statutes or guidelines found applicable;
- (c) The applicable comprehensive plan policies, procedures, appendices and maps; and
- (d) The applicable provisions of the implementing ordinances.

(a) Discussion: This criterion requires analysis of the applicable statewide planning goals. The applicable goals in this case are Goal 1, Goal 2, and Goal 10.

Finding (s):

Statewide Planning Goal 1: Citizen Involvement.

Goal 1 requires the development of a citizen involvement program that is widespread, allows two-way communication, provides for citizen involvement through all planning phases, and is understandable, responsive, and funded.

Generally, Goal 1 is satisfied when a local government follows the public involvement procedures set out in the statutes and in its acknowledged comprehensive plan and land use regulations.

The City’s Development Code is consistent with State law with regards to notification requirements. Pursuant to SHMC 17.20.080 at least one public hearing before the Planning Commission and City Council is required. Legal notice in a newspaper of general circulation is required too. The City has met these requirements and notified DLCD of the proposal. In addition, the City has sent notice to property owners potentially impacted by the proposed changes in land uses allowed on property as required by ORS 227.186.

Given the public vetting for the plan, scheduled public hearings, and notice provided, Goal 1 is satisfied.

Statewide Planning Goal 2: Land Use Planning.

This goal requires that a land use planning process and policy framework be established as a basis for all decisions and actions relating to the use of land. All local governments and state agencies involved in the land use action must coordinate with each other. City, county, state and federal agency and special districts plans and actions related to land use must be consistent with the comprehensive plans of cities and counties and regional plans adopted under Oregon Revised Statutes (ORS) Chapter 268.

The City and State (i.e., DLCD) coordinated with regard to the adoption of this proposal. The City notified DLCD as required by state law prior to the public hearings to consider the proposal.

There are no known federal or regional documents that apply to this proposal. Comprehensive Plan consistency is addressed further below.

Given the inclusion of local, state, regional and federal documents, laws, participation and opportunity for feedback as applicable, Goal 2 is satisfied.

Statewide Planning Goal 10: Housing

This goal is about meeting the housing needs of citizens of the state. Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

The proposed zoning map amendment would allow for residential development. Given the demand for additional housing units in St. Helens and the region, Goal 10 is satisfied.

(b) Discussion: This criterion requires analysis of any applicable federal or state statutes or guidelines in regards to the residential zone change request.

Finding: There are no known applicable federal or state statutes or guidelines applicable to this zone change request.

(c) Discussion: This criterion requires analysis of applicable Comprehensive Plan policies, procedures, appendices, and maps. The applicable goals and policies are:

19.08.050 Housing goals and policies.

(1) Preface. Residents of the city of St. Helens are demographically in different stages of socioeconomics. As such, they vary in their family sizes, economic capabilities and interests and will desire different types of housing. The strategy is to ensure that sufficient lands are designated for those different phases and desires of current and

future residents and to encourage policies and decisions to allow all residents the ability to find affordable housing.

(2) Goals.

(a) To promote safe, adequate, and affordable housing for all current and future members of the community.

(b) To locate housing so that it is fully integrated with land use, transportation and public facilities as set forth in the Comprehensive Plan.

(3) Policies. It is the policy of the city of St. Helens to:

(a) Maintain adequate development and building codes to achieve the city's housing goals.

(b) Encourage the distribution of low income and/or multifamily housing throughout the city rather than limiting them to a few large concentrations.

[...]

(h) Encourage energy-efficient housing patterns in residential developments.

19.12.020 General residential category goals and policies.

(1) Goals. To create conditions suitable for higher concentrations of people in proximity to public services, shopping, transportation and other conveniences.

(2) Policies. It is the policy of the city of St. Helens to:

(a) Require undeveloped public ways of record to be improved to applicable city standards as a condition to the issuance of building permits for lots that front these ways.

(b) Encourage the infilling of areas presently undeveloped due to topographical limitations to achieve a more efficient use of the land.

(c) Allow for the convenient location of grocery stores by the conditional use process.

(d) Develop rules for multifamily dwellings which are consistent with housing policies.

(e) Designate general residential lands as R-5, General Residential or AR, Apartment Residential on the city zoning map.

19.12.080 Highway commercial category goals and policies.

(1) Goals.

(a) To create opportunities for the orderly business development along selected portions of arterials.

(b) To establish conditions which will assure that arterial traffic flows are not disrupted and that access to and from these locations is designed for safety.

(c) To prevent highway frontage from becoming a strip of mixed commercial, residential and other unrelated uses.

(2) Policies. It is the policy of the city of St. Helens to:

(a) Designate as highway commercial such areas along portions of US 30 where highway business has already become well established.

(b) Designate as highway commercial such areas at major road intersections where access to business sites does not conflict with safe traffic movement.

(c) Encourage enterprises which cater to the traveling public to locate in this designation.

(d) Encourage curbing along Highway 30 and limit the number of curb-cuts to minimize traffic hazards as a result of conflicts between through traffic and shopper traffic.

(e) Preserve areas for business use by limiting incompatible uses within them.

(f) Improve the appearance and safety of US 30 and sites along US 30, through means such as landscaped medians, banner poles, landscaping along the highway right-of-way, and landscaping in parking lots.

(g) Encourage undergrounding of overhead utilities.

Discussion: The proposal is to amend the Zoning Map from Highway Commercial (HC) to Apartment Residential (AR), which is in line with the existing Comprehensive Plan designation of General Residential (GR). GR allows for both General Residential (R5) and Apartment Residential (AR).

The 2008 Economic Opportunities Analysis (SHMC Chapter 19.24) notes a shortage of zoned commercial lands of about 10 acres, but recommended re-zoning surplus *industrial* lands to accommodate the commercial lands shortage. This conclusion also made a number of assumptions. It assumed a population growth of 17,842 by 2030 and that about 48% of the employable population would be employed in a commercial industry. Once the number of commercial jobs was estimated, a standard acreage rate per person was used to determine the needed acreage of commercial lands. With these assumptions made eight years ago, staff does not feel confident using this conclusion as justification against this zone change proposal.

Finding (s): There is demand for additional housing units in the region and in St. Helens. The proposed zoning map amendment would allow for residential development. This proposal is not contrary to Comprehensive Plan goals and policies.

The Commission needs to decide if the zoning change request is consistent with the Comprehensive Plan goals and policies.

(d) Discussion: This criterion requires that the proposal not conflict with the applicable provisions of the implementing ordinances. The purpose and allowed uses for HC and AR have been included as an attachment. Despite the Comprehensive Plan designation as GR, the property was zoned HC, likely because of the property's existing use. Outdoor storage of vehicles is not allowed in the HC zone, making the site a non-conforming use. The non-conforming use status will comply regardless of HC or AR zoning (which does not allow for storage as a principal use).

Finding (s): The proposed zone change will not increase the non-conforming use of the site. When development occurs, the provisions of the implementing ordinances will apply.

Discussion: Note the definition of "spot zoning" per SHMC 17.16 as follows:

Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the

comprehensive plan.

The Commission needs to determine that this proposal is not a spot zoning in order for this criterion to be met. In addition, the Commission may consider other implementing ordinances.

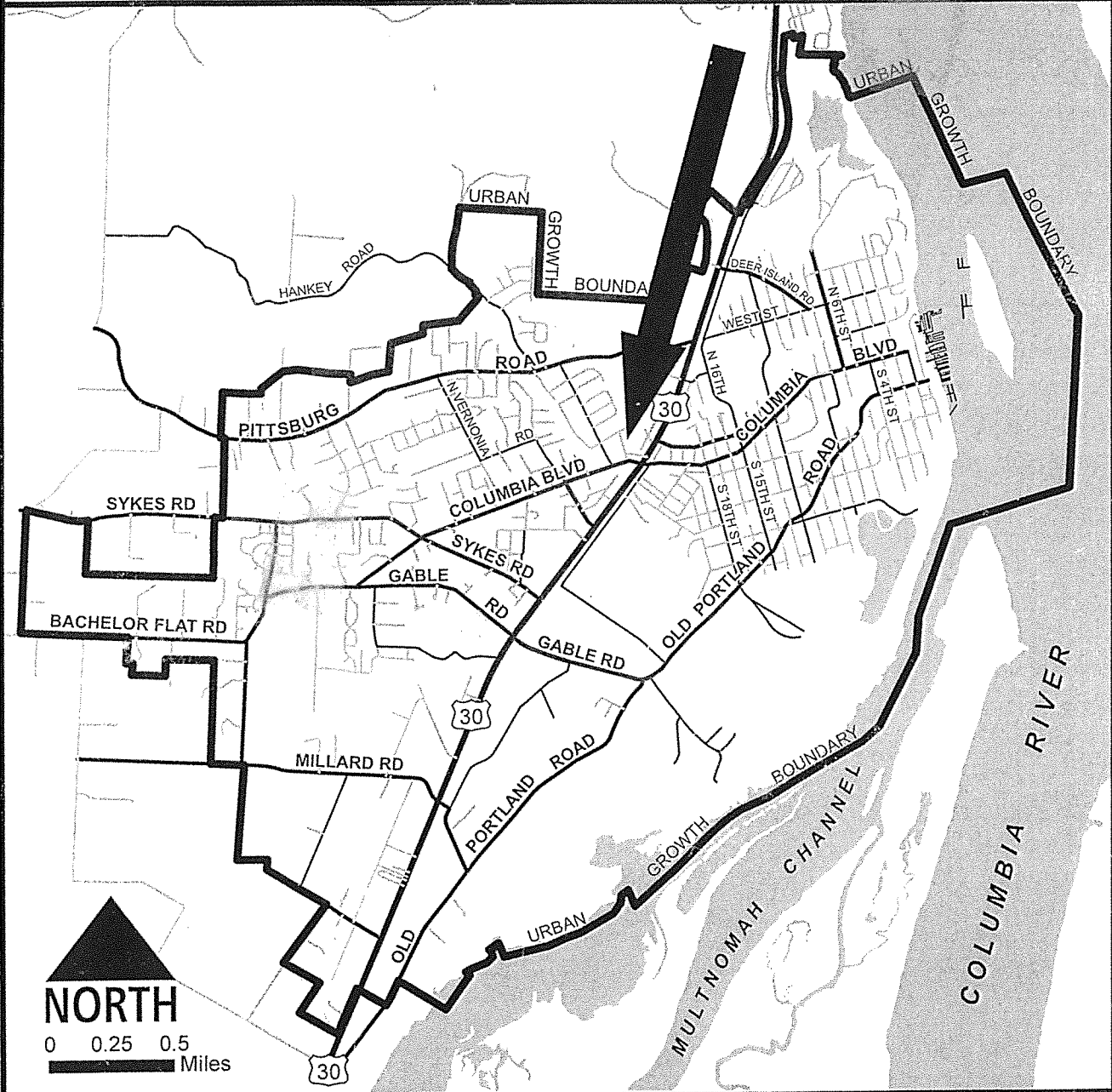
CONCLUSION & RECOMMENDATION

The Commission needs to determine their recommendation to the City Council who the decision authority on this matter.

Attachment(s): *Maps (5), Applicant's Narrative, Zone Comparison Table*

SUBJECT PROPERTY

~ Approximate Location ~



City of St. Helens Urban Growth Boundary Area Vicinity

CPZA.2.16
AERIAL (2009)





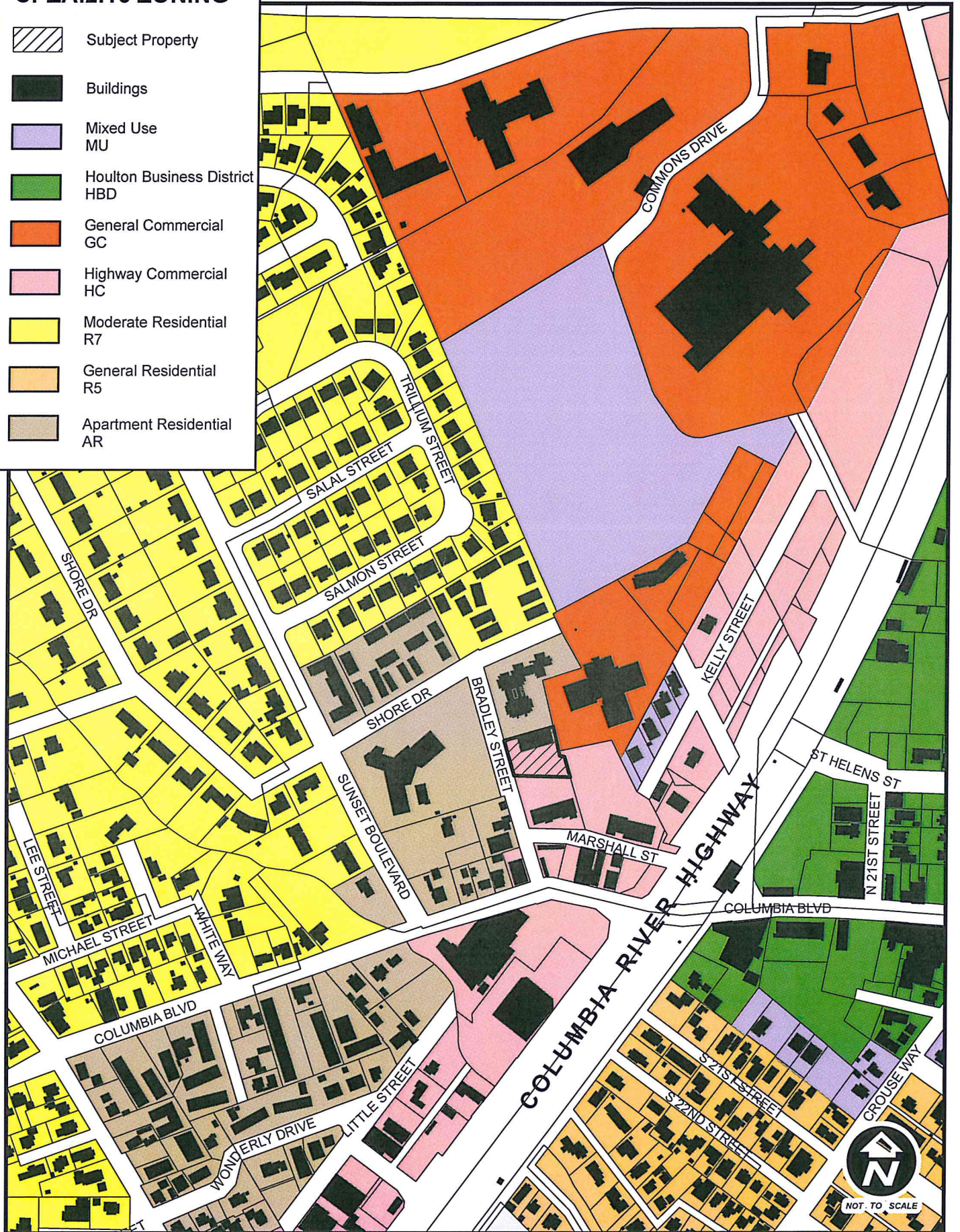
Subject Property









NOT TO SCALE

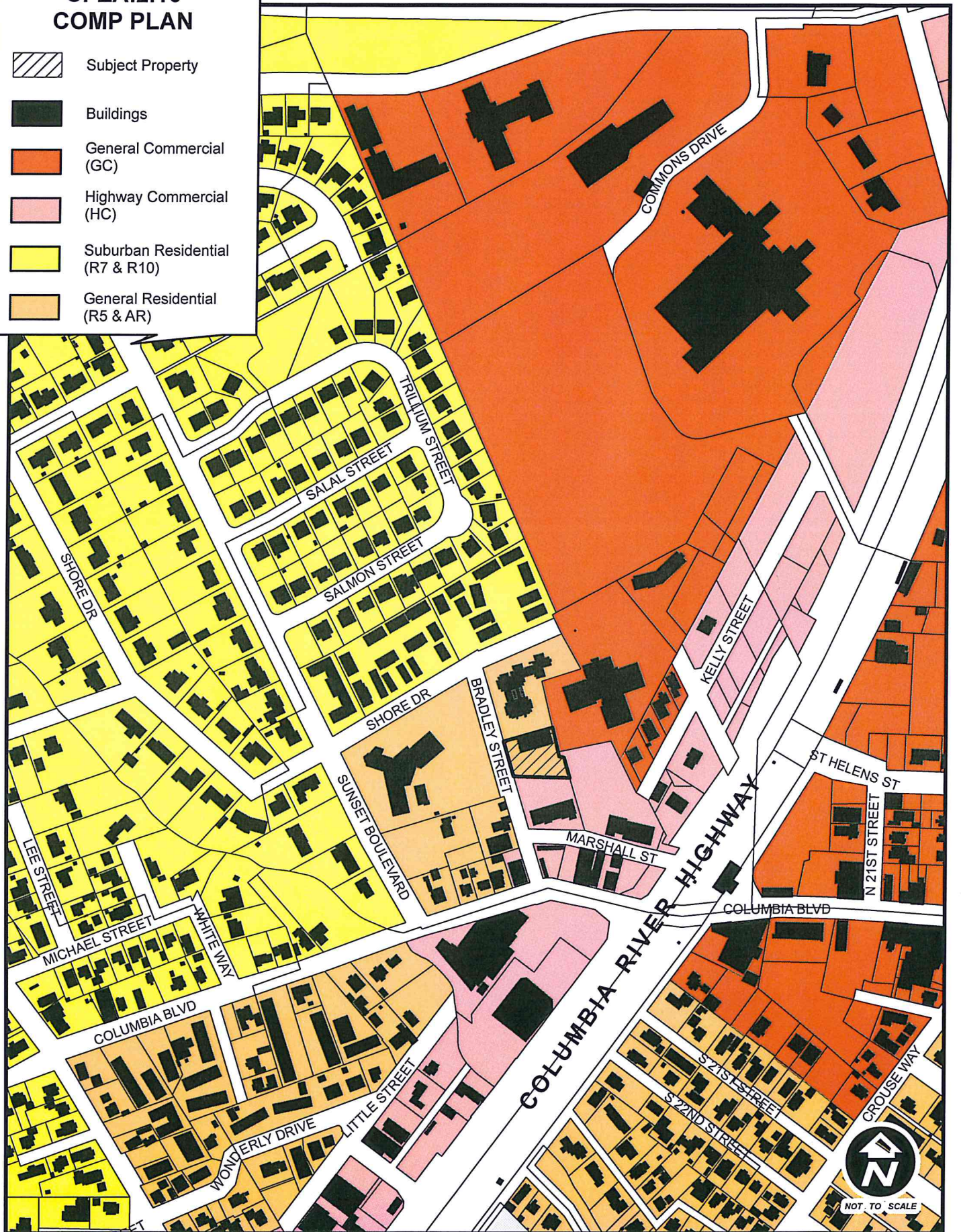
CPZA.2.16 ZONING

-  Subject Property
-  Buildings
-  Mixed Use MU
-  Houlton Business District HBD
-  General Commercial GC
-  Highway Commercial HC
-  Moderate Residential R7
-  General Residential R5
-  Apartment Residential AR

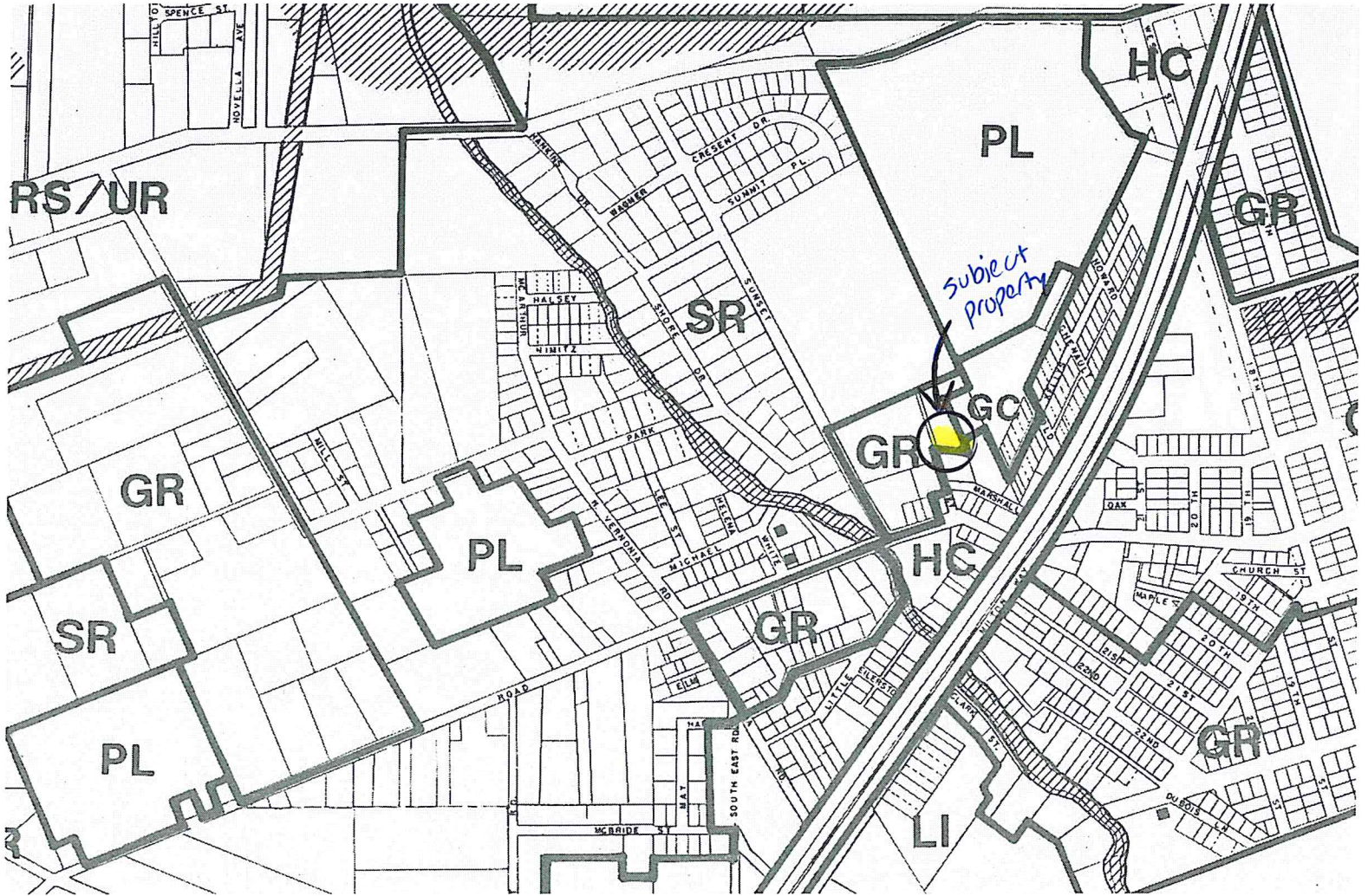


CPZA.2.16 COMP PLAN

-  Subject Property
-  Buildings
-  General Commercial (GC)
-  Highway Commercial (HC)
-  Suburban Residential (R7 & R10)
-  General Residential (R5 & AR)



1996 CAMP DEAN MAP



Attn: City of St. Helens
C/O Planning Department
P.O. Box 278
St. Helens, OR 97051

September 20, 2016

Re: Quasi-Judicial General Land Use Application, City of St. Helens, County of Columbia

Applicants: Jeremy P. and Sherri L. Thompson (husband & wife); mailing address: 58846 Morten Lane, St. Helens, OR 97051

Phone: Jeremy cell 503-396-9443, Sherri cell 503-396-6740 / email: sherrithompson68@comcast.net

Property Information: Columbia County Tax Account # 10328, Map 4N1W04-BC-02400,
Situs Address: NYA Bradley Street, St. Helens, OR 97051; also known as 4MW-4BC-2400

Current Zoning: HC - Highway Commercial

Proposed Zoning: AR - Apartment Residential

Prepared by Suzie Dahl for the Applicants

The Applicants are applying for a Quasi-Judicial General Land Use Application for the above referenced property regarding a zoning change from Highway Commercial (HC) to Apartment Residential (AR). See attached property ID & maps; *Exhibit A, pages 3 thru 11*. The zone classification for the subject property is consistent with the purpose and intent of the proposed amendment to the current Comprehensive Plan land use map.

The property currently has a storage building constructed in 1980 that at one time was the bus barn for Jensen Transportation and does not have an assigned address; however, the local people know it as 164 Bradley Street. Since 1987 when the property was acquired by Mr. Thompson's (the applicant) parents, the property has been maintained for personal storage use. Both of Mr. Thompsons parents have since passed and left the property to their son, Jeremy and his wife, Sherri "the Applicants". This structure is currently a non-conforming use in the HC zoned property.

The physical characteristics of the proposed site are flat, with gravel terrain and a current storage structure. There is ample road frontage to Bradley Street. The parcel appears to have no natural or environmentally sensitive areas. The site does prove to be optimal for future solar use for harvesting energy.

Statewide Planning Goals we have researched for this particular use:

#2 - Land Use Planning: the proposed use is compatible with other adjacent uses

#10 - Housing: the proposed use reflects the Comprehensive Plan for future housing and growth

#12 - Transportation: allows future residents to have easy and local walking access to the Houlton district, shopping, dining and City trails. We have also addressed the Transportation System Plan.

According to the City of St. Helens Parks and Trails Master Plan, Chapter 2, page 14, "the City of St. Helens uses a two-map zoning system"; *Exhibit B, page 12*. This is important when considering this proposed zone change



since the current Comprehensive Plan land use map reflects the City and community vision of St. Helens while maintaining the Statewide planning goals. The reasoning why this property should be re-zoned is bulleted below.

- The current City Zoning Map for this parcel is HC - Highway Commercial; see *Exhibit C, pages 13 & 14*. Whereas the current Comprehensive Plan land use map shows the zone to be GR - General Residential, (AR - Apartment Residential is not outlined on the Comprehensive Plan map); see *Exhibit D, pages 15 & 16*. *
- This parcel does not meet the need for Highway Commercial use, nor does Bradley Street. The only entrance to the parcel is off of Bradley Street which serves apartments, a church daycare and a nursing facility. Bradley Street is currently a "local street", according to the Transportation System Plan (TSP); *Exhibit E, page 17*. The TSP is guided by ORS 197.712 & Department of Land Conservation and Development, DLCDC administrative Rule as the Transportation Planning Rule (TPR). Both the Existing St. Helens Street Standards; *Exhibit F, page 18*, and the Proposed Street Cross Section; *Exhibit G, page 19*, maintains the "local Street" use and does not provide for trucks or additional heavy vehicle activity.
- This section of Bradley Street does not have curbs or sidewalks, nor is it proposed in the TSP.
- Placing this parcel into AR zone * conforms with the Current City Comprehensive Plan Land Use Map and should have little if no impact on the City of St. Helens TSP and complies with the Statewide Planning Goals. The impact on surrounding land will be consistent with the specific goals and policies contained within the City of St. Helens Comprehensive Plan.
- The proposed zone change would allow for a residential use and future development of the parcel which will serve the estimated population growth of St. Helens, thus working towards the future development goals of the city.
- Currently, the proposed parcel has Apartment Residential zoning across the West side of the street and next to the North property line. General Commercial zone is on the East Property line and Highway Commercial is on the South property line.
- The Applicants have met with the City Engineer regarding bringing water and sewer to the site. The Applicants were advised by the City Engineer to hire a Civil Engineer for the plans the City would require to develop this property; the Applicants have spoken with Lower Columbia Engineering regarding this project and are prepared to move forward.

Notes: * The current Zoning Map (*Exhibit C, page 13 & 14*) shows AR zone use. However the Comprehensive Plan Use Map (*Exhibit D, page 15 & 16*) does not show AR zone, but GR zone.

We would like to thank the Planning Department, Planning Commission and State of Oregon in advance for consideration of our proposed zone change, if you have any further questions please contact us at our cell numbers provided or by email.

Sincerely,

 9/20/16
 9/20/16

Jeremy P. Thompson & Sherri L. Thompson (husband & wife)

enclosures: General Land Use Application
 Pre-application Conference
 Accompany Letter for Zone Change Request (pages 1 - 2)
 Exhibits A thru G (pages 3 - 19)

HC Zoning

Purpose: The HC zone is intended to recognize the existing commercial development along Highway 30 and to limit future commercial activity to retail concerns, activities that cater to motorists, and firms that deal in large goods and require unusual amounts of space.

Allowed Uses	Conditional Uses
Boat, trailer and recreational vehicle equipment sales, service and repair	Amusement services
Building supply firms that conduct business completely within an enclosed building except for outdoor storage	Animal sales and services, grooming, kennels, and veterinary (small animals)
Bus and train stations/terminals	Dry cleaners and laundromats
Car washes	Dwelling units above outright permitted uses
Drive-up facilities	Funeral homes
Eating and drinking establishments, including drive-up and carry-out	Home occupation in dwelling unit
Financial institutions, including drive-through	Hospitals
Gasoline stations	Marijuana retailer and/or medical marijuana dispensary
Motels and hotels	Parks
Motor vehicle sales, service and repair	Public facilities, major
Nurseries and greenhouses	Recreation facilities
Offices catering to motorists (e.g., insurance claims)	Religious assembly
Personal and business services such as barber shops, beauty shops, tailors, laundries, printing, and locksmiths	Retail establishments not directly catering to motorists
Parking lot	Schools
Plumbing, HVAC, electrical and paint sales and service	Shopping centers (can include all retail, personal services, professional services, medical, and dental offices)
Produce stands	Travel trailer parks
Public facility, minor	
Retail sales establishments, specifically catering to motorists, including drive-in	
Retail sales of large equipment items and repair and maintenance concerns that conduct business completely within an enclosed building except for outdoor storage	
Shopping plaza (permitted businesses only)	
Small equipment rentals, sales and repair	
Theaters, except drive-ins	
Tire shops within an enclosed building	

AR Zoning

Purpose: The AR zone is intended to provide minimum development standards for residential purposes where complete community services are available and to provide for single dwellings, detached and attached, duplexes, and low/medium-rise multiple-dwelling residential units for heavy density residential development.

Allowed Uses	Conditional Uses
Duplex residential units	Auxiliary dwelling units
Home child care	Bed and breakfast, homestay, and boarding house
Home occupation (Types I & II)	Children’s day care/day nursery
Multi-dwelling unit residential facilities	Community recreation, including structures
Public facility, minor	Commercial recreation facility
Public park	Neighborhood store/plaza
Residential facility	Hospitals, sanitariums, rest homes, and elderly homes
Residential home	Lodge, fraternal, and civic assembly
Single-dwelling unit, attached residential units (five units maximum together)	Lodging facilities or rooming house
Single-dwelling unit, detached residential units	Parking facilities
	Private parks
	Public facilities, major
	Private parks
	Public facilities, major
	Religious assembly
	Schools and related facilities



CITY OF ST. HELENS PLANNING DEPARTMENT

M E M O R A N D U M

TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner
RE: Elk Ridge Subdivision, Phase 6 Preliminary Plat application, File SUB.1.16
DATE: November 2, 2016

The Commission initially held the public hearing for the Elk Ridge Phase 6 preliminary plat on October 11, 2016. The Commission left the record open for 7 days + 7 days response + 7 days for applicant's final written argument.

Attached to this memo are:

- 1) The staff report for this file as a reference, especially for the conditions.
- 2) The materials entered into the record in order from last received.

Note that the letter from 3J Consulting dated November 1, 2016, that outlines condition changes.

I will have the entire file at the November 8, 2016 deliberations if additional materials need to be referenced that you didn't keep or have misplaced since our meeting last month.

**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Subdivision Preliminary Plat SUB.1.16**

DATE: October 4, 2016
TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner

APPLICANT: Andrew Tull, 3J Consulting, Inc.
OWNER: St. Helens Assets, LLC

ZONING: Moderate Residential, R7
LOCATION: 5N1W-32C-100 & 200; 5N1W-32DB-100; 5N1W-32DC-900
PROPOSAL: Elk Ridge Estates, Phase 6 (an approximate 58 lot subdivision)

The 120-day rule (ORS 227.178) for final action for this land use decision is January 7, 2016.

SITE INFORMATION / BACKGROUND

This preliminary plat approval is essential a reboot of this Elk Ridge Estates Phase approval from 2013 (file SUB.1.13). The original approval was valid for 12 months and the city granted 2 subsequent 12-month time extensions. Within this three-year time period, much has been completed for this phase, though preliminary plat approval is necessary for the project to continue. **See attached Findings of Fact and Conclusions of Law for SUB.1.13.**

PUBLIC HEARING & NOTICE

Hearing dates are as follows: October 11, 2016 before the Planning Commission

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on September 22, 2016 via first class mail. Notice was sent to agencies by mail or e-mail on the same date. Notice was published in the The Chronicle on September 28, 2016.

AGENCY REFERRALS & COMMENTS

As of the date of this staff report, the following agency referrals/comments have been received that are pertinent to the analysis of this proposal:

City Engineering Manager: Water pressure for all home sites shall meet the required operating pressure range of 50 psi to 90 psi at all times, in accordance with the Municipal Code 18.28.005(12).

This operating range may require the installation of a booster pump station. If so, the booster pump station shall be designed to meet the current needs of the subdivision and be able to be upgraded in the future to provide the required water pressure operating range for any/all future phases of the development. The booster pump station and all required public infrastructure shall

be completed, inspected, tested, and accepted with required bonds in place before Engineering and Public Works will sign off on the final plat.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

See the **Findings of Fact and Conclusions of Law for SUB.1.13**. Staff's intent is to use that decision as the foundation of this one, highlighting what has changed and amending the 2013 conditions as appropriate.

FINDINGS:

- As a new application, this allows in the inclusion of any new development code laws to apply to this proposal, even though it has been under construction for several years. However, there hasn't been any substantial change in the Development Code to warrant changes in the conditions. There has been changes to the site/circumstances as explained below though. **The conditions of SUB.1.13 shall apply to this proposal except as noted below.**
- In 2013 this phase of the development was known as Phase 5. Since then, Lots 1-7 of Elk Ridge Estates Phase 1 were replatted (file SUB.2.13). That replat became Phase 5. So this phase is number 6, being the next in line. **A condition shall be added under #3 (final plat content requirements) as follows: "Proper phase shall be indicated."**

Note that this is why the lot numbering differs from the 2013 application.

- There is one new street name for this phase. In 2013, Columbia 9-1-1 noted concern about the proposed "Ridge View Drive" street name. In 2014, Columbia 9-1-1 confirmed that "Miles Lane" or "Miles Drive" was an acceptable alternative. This is already sufficiently addressed by 2013 condition 3.b.
- Note that 2013 condition 4.c notes the city's street access requirements. All rights-of-way for this phase are classified as local streets. In 2013 there was a spacing requirement for driveways on local streets. This was amended in 2015 to eliminate drive-to-drive spacing in local streets (ref. SHMC Table 17.84.040-2). This doesn't warrant a revised decision since the condition references current law, but is worthy of noting nonetheless.
- Most of the required physical improvements have been completed. This includes the required sidewalk along Hankey Road from the entry of the development (Valley View Drive) to Pittsburg Road. However, there is still work to be done. The important thing to note here is the project has been progressing, albeit slowly. This doesn't warrant any revised conditions.
- Adequate water pressure is one of the issues yet to be resolved for this subdivision phase. **Note City Engineering comments above.** Water pressure for this phase's lots are addressed in condition 2.a.iii (things required before the city accepts a final plat).

A related matter and an important public improvement yet to be done in the installation of a pump station (proposed to be located in a Tract of Phase 1). This is necessary for adequate water pressure to serve at least some the homes that will eventually will be built on the lots of proposed Phase 6 (as determined by the applicant's engineer, subject to city approval). However, as noted by the City Engineer, **the booster pump system needs to be designed so it can be upgraded to provide adequate water service for this Phase and all future Phases of the Elk Ridge Estates development. This shall be an added as a condition under #2.**

- Actual site grading of the site differs from the plans submitted. To explain, see the proposed grading plan around the area of proposed block (the “island” of lots surrounded on all sides by street rights-of-way) where a gradual slope is shown. The grading work, in process during the time of this application, shows a much more dramatic terraced change in elevation.



The block of lots facing NW. Note the terraced grading and compare to the more gradual slope shown in the submitted plans.



The block of lots facing SE.

There are some issues to consider given this approach to site grading. First, note the private storm drainage system (including easements) shown on the plans amongst the block of lots. Per the City Engineer, the system may need to be at the bottom of the slope. It appears that in this case, they are at the top. **Revised grade plans are necessary to ensure storm drainage infrastructure (private or public) is built/located properly and to ensure easements for such infrastructure is placed properly. Revised grading plans shall be a new condition under #2. Completion of private or public improvements affected by the new grading scheme to function properly given new grading shall also be a new condition under #2.**

Second, if the developer wants to install a retaining wall (or walls) an easement would be necessary to ensure access for wall maintenance. For example, a single wall crossing multiple lots would warrant an easement to ensure future access for maintenance. This

would be a private easement. A private maintenance agreement would be necessary for shared retaining walls too. **A new condition under #3 shall include any all private easements related to the actually subdivision (land division action). Further, a new condition under #4 shall specify easements for retaining walls (shared or stand-alone) as necessary and related maintenance agreements for shared.** Note that public easements are already addressed by 2013 condition 3.c.

In regards to home building and the new grading scheme, there is already a condition that requires a geotechnical report for each lot (2013 condition 4.a). The developer may want a retaining wall due to Building Code requirements (distance required from slopes).

Given the substantial grade change as discussed, there could be more. So conditions pertaining to such should include the entire subdivision phase, not just the block.

CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff recommends approval or of this Subdivision Preliminary Plat with the following conditions.

Note these conditions reflect those of the final decision of SDR.1.13. These conditions have been revised based on this SUB.1.16 proposal. Underlined words are added. ~~Words striken area deleted.~~

- 1. This Subdivision preliminary plat approval shall be effective for a period of twelve (12) months from the date of approval.** The approval shall become void if a final plat prepared by a professional registered surveyor in accordance with 1) the approved preliminary plat, 2) the conditions herein, and 3) the form and content requirements of the City of St. Helens Development Code (SHMC Title 17) and Oregon Revised Statutes is not submitted within the twelve (12) month approval period. **Note: two time extensions are possible per SHMC 17.136.040(2).**
- 2. The following shall be completed prior to submission and the City's acceptance of a final plat application:**
 - a. Engineering/construction plans for all public and other applicable improvements shall be submitted to the City for review and approval in compliance with all City of St. Helens laws and standards and in accordance with the conditions herein. As specific conditions of approval, these plans shall include:
 - i. Joint mailbox facility shall be included on engineering/construction plans per City standards and the USPS.
 - ii. Street lights are required at each intersection, at such locations to provide overlapping lighting to sufficiently illuminate the street, and per Columbia River PUD standards.

- iii. Adequate water pressure will need to be verified for each lot (booster pump and/or individual booster pumps may be necessary). Also see condition 2.f.
 - iv. Grading and slope stability (e.g., to mitigate rock/debris fall onto road) of portions of Hankey Road and Perry Creek Road that abut the subject property.
- b. Plans for sidewalk and slope stabilization along the east side of Hankey Road between Elk Meadows Drive and Pittsburg Road shall be submitted for review and approval by the City and County.
 - c. All public improvements shall be completed, in place and acceptable to the City (and County in the case of Hankey Road). This includes on-site improvements and off-site improvements (e.g. Hankey Road improvements) and joint mailbox facility. The exception to this are the portions of sidewalk that abut lots created by this subdivision where there may be a driveway approach to serve the development of said lot. For these portions of sidewalk allowed to be left unfinished for the final plat, a performance guarantee shall be required as approved by City Engineering.
 - d. Applicant shall submit a street tree plan for local classified streets (also see condition 4).
 - e. Homeowners Association (HOA) and CC&Rs for establishing the HOA shall be approved (see condition 9). In addition, the restriction per condition 3.d shall be included in this documentation.
 - f. The booster pump system shall be designed such that it can be upgraded to provide adequate water pressure for this Phase and all future Phases of the Elk Ridge Estates development/subdivision. The booster pump shall be completed, inspected, tested, and accepted by the City with required bonds in place.
 - g. Revised grading plans shall be required. In addition, any changes to private or public infrastructure necessary for proper function to accommodate the grading shall be completed (subject to review and approval by the City).

3. In addition to compliance with local, county, state and other requirements, the following shall be included on the final plat:

- a. Five foot of additional right-of-way dedication along the portions of Hankey Road and Perry Creek Road that abut the subject property.
- b. A street name acceptable to Columbia 9-1-1 shall be used instead of Ridge View Drive, which shall not be used.
- c. 8' wide public utility easements will be required along the street frontage of all lots unless a greater width is determined necessary by City Engineering. Moreover, other utility easements necessary, as identified on approved engineering/construction plans shall be included on the final plat.
- d. The following shall be included as a plat restriction:

“This property is located in the vicinity of properties which have the right to exist to conduct mining operations. Those activities may include extraction, processing and distribution of aggregate, so long as the quarries operate within the law and appropriate government regulations.”

- e. Proper phase shall be indicated.

f. Private easements in their proper location (e.g., private storm drainage).

4. The following shall be required prior to building permit issuance to develop any lot of this subdivision:

- a. A geotechnical report is required to be submitted to the Building Official for each lot before home foundations are approved.
- b. Plans submitted for a building permit shall reflect the approved street trees plan (see condition 2).
- c. Development of lots shall meet the access requirements for driveways per Chapter 17.84 SHMC. This includes but is not limited to width, number of access points allowed and spacing of driveway approaches.
- d. If not otherwise recorded with the final plat as required, a Declaration of Protective Covenants, Conditions and Restrictions (CCRs) and Establishment of a Homeowners Association (HOA) shall be recorded (see condition 9).
- e. Easements for any proposed retaining wall(s) (e.g., shared retaining walls serving multiple lots) shall be reviewed and approved by the City and recorded with the Columbia County Clerk. In addition, maintenance agreements shall be required to be recorded for shared retaining walls, subject to city review and approval prior to recordation.

5. Prior to any construction or development of the subject property performance guarantees (e.g., performance bond) as approved by City Engineering shall be required for storm drainage systems, grading and erosion control. In addition, engineering/construction plans shall be approved.

6. After completion of construction and City approval, all public improvements shall be guaranteed (e.g., warranty bond) for at least two years as to workmanship in a form and value as required by City Engineering.

7. Portions of the property are encumbered by easements for high voltage transmission lines owned by Bonneville Power Administration (“BPA”). BPA acquired rights for these easements that limit the landowner’s use of these areas. **All activities planned within the BPA easements, including but not limited to, fences, roadways, and utilities need to be reviewed and approved by BPA prior to their occurrence.** Do not build, dig or plant within the BPA easement areas without first contacting BPA. Information regarding land uses and the process for reviewing proposed uses within BPA’s easements may be obtained by calling (800) 836-6619.

8. Healthy and safe trees in common areas that are 12” or greater diameter at breast (DBH) height shall not be removed without further public hearings and review by the Planning Commission.

9. A Declaration of Protective Covenants, Conditions and Restrictions (CCRs) and establishment of a Homeowners Association (HOA) shall be recorded for HOA responsibility for common improvement maintenance. New or revised CCRs (existing

document recorded as Columbia County Clerk Instrument No. 2013-2129) shall be required to include Phase 5 and its newly created tracts and emergency access per condition 12. **This document shall be recorded with the final plat.**

10. Curb/sidewalk and street trees will be required along all local streets.
11. All utilities shall be underground pursuant to SHMC 17.152.120.
12. An emergency access road that meets at least Fire Code standards must be maintained until such time as there is an acceptable second route or street into this development and the Homeowners Association shall be responsible to maintain this emergency access.
13. Curb-tight sidewalk without additional street trees is acceptable for Hankey Road improvements.
14. Owner/Developer shall be solely responsible for obtaining all approvals, permits, licenses, and authorizations from the responsible Federal, State and local authorities, or other entities, necessary to perform land clearing, construction and improvement of the subject property in the location and manner contemplated by Owner/Developer. City has no duty, responsibility or liability for requesting, obtaining, ensuring, or verifying Owner/Developer compliance with the applicable State and Federal agency permit or other approval requirements. This land use approval shall not be interpreted as a waiver, modification, or grant of any State or Federal agency or other permits or authorizations.
15. Owner/applicant is still responsible to comply with the City Development Code (SHMC Title 17).

Attachment(s): Findings of Fact and Conclusions of Law for SUB.1.13
Applicant's application narrative
Applicant's plans

3J CONSULTING

5075 SW GRIFFITH DRIVE, SUITE 150
BEAVERTON, OREGON 97005
PH: (503) 946.9365
WWW.3J-CONSULTING.COM

November 1, 2016

Mr. Dan Cary, Chair
City of St. Helens
Planning Commission

Elk Ridge Estates, Phase 6
St. Helens, Oregon

RECEIVED
NOV 01 2016
CITY OF ST. HELENS

Dear Chair Cary,

This letter has been prepared on behalf of St. Helens Assets, LLC regarding the City's October 4, 2016 staff report and the subsequent public testimony which was presented both in person and in writing following the City's October 11, 2016 public hearing for the preliminary subdivision number SUB.1.16, Elk Ridge Estates – Phase 6. This letter represents the Applicant's final written argument.

The Applicant is pleased to confirm that we have reached an acceptable position with the neighboring property owners regarding the provision of notice to future land owners about the presence of legally permitted resource extraction activities on the adjoining properties. Both the Applicant and the neighbor's consul have reviewed a draft notice to future owners consenting to the existing mining activities. The draft notice was attached to the written testimony provided by our office on October 18, 2016 and is incorporated into a revised condition of approval herewith.

Our office previously requested that the planning commission approve the project with a single modification to the conditions of approval. The Applicant now requests that two conditions of approval be modified within the subdivision's conditions of approval and that one be added. The proposed changes to the conditions of approval are described below:

Condition 2.f

As currently written, condition of approval 2.f states as follows:

The booster bump system shall be designed such that it can be upgraded to provide adequate water pressure for this Phase and all future Phases of the Elk Ridge Estates development/subdivision. The booster pump shall be completed, inspected, tested, and accepted by the City with the required bonds in place.

After discussing the language for this condition with staff, we believe we have arrived at a mutually agreeable modification to this condition of approval. In consultation with staff, we would request that the commission incorporate the following language into the project's conditions of approval in lieu of the current condition:

The booster pump system shall be designed such that it can provide the required operating water pressure range for this Phase and be upgradable to provide required pressure for any/all future Phases of the Elk Ridge Estates development/subdivision. The developer shall work with the City Engineer to develop an agreeable plan to ensure that the current and future water system requirements will be met. The booster pump station shall be completed, inspected, tested, and



accepted by the City with required bonds in place. For the purpose of this condition the "future phases" includes all land of the subject property which includes but is not limited to the proposed Phase 6 area.

New Condition 16

The Applicant requests that in addition to Condition 3.d, a new condition of approval be added to the application to cover the applicant's agreements with the neighboring property owners regarding surface mining activities. We request that the Condition 16 be added to the staff report, stating as follows:

A notice stating the following notice shall be signed, notarized, and recorded with the Columbia County Clerk with the Deed records prior to the approval of the final plat:

"The herein described real property in Columbia County, Oregon is within the impact area of State of Oregon Goal 5 mining sites which are conducting mining operations. Those activities may include extraction, processing and distribution of aggregate, including causing, dust, blasting, noise, and other incidents of mining activities.

The real property affected by this notice is:

Elk Ridge Estates Phase 6, City of St Helens, Columbia County, State of Oregon; and shall include all future phases or expansion; and shall exclude all prior phases, of Elk Ridge Estates Subdivision.

All deeds to property within Phase 6 and future phases will contain the following language:

"The grantees of this subdivision acknowledge that there are existing permitted quarries conducting surface mining in close vicinity to this property. The Grantees hereby acknowledges and consents to all operations provided it is performed and limited to all legally permitted municipal uses, restrictions, and operating limits, accordingly."

This notice and acknowledgment runs with the land and binds the successors and all future transfer(s) or assignment(s) of the grantees"

This document shall be recorded with the final plat.

Condition 2.e

As currently written, condition of approval 2.e states as follows:

Homeowners Association (HOA) and CC&R's for establishing the HOA shall be approved (see Condition 9). In addition, the restriction per condition 3.d shall be included in this documentation.

The Applicant requests that in light of the new condition, the last sentence of this condition be removed.

We genuinely appreciate the Commission's attention to this matter and we will be ready to provide the Commission with any necessary assistance in evaluating the proposed subdivision plat.

Most Sincerely,



Andrew Tull
Principal Planner
3J Consulting, Inc.

copy: Mr. Mark Zoller, St Helens Assets, LLC
Mr. John Howorth, 3J Consulting
Mrs. Agnes Peterson, Van Natta, & Petersen
File - 14188



Jacob Graichen

From: agnes petersen <agi12342003@yahoo.com>
Sent: Monday, October 24, 2016 2:55 PM
To: Jacob Graichen
Subject: Supplemental information on Goal 5.
Attachments: Jillson-Forsythe Cudmore ltr to Knight July 21, 1999.pdf; Jillson-Forsythe Jan1996 Goal 5 Evaluation.pdf

> Dear Jacob:

>

> The parties seem to have resolved their differences. We recommend that conditions 16 and 17 be as set forth on the agreed documentation.

> Our clients feel that your memorandum needs supplemented with the
> actual facts and as a result make a few corrections to its contents.

>

> Here is a copy of mail from Carla Cudmore, Columbia County Surface
> Mining Administrator to John Knight county counsel dated July 21, 1999
> which addresses your interpretation of the set back of 200 feet. The
> fact is that that set back was not put in until 1990, so the mine
> predated this regulation and the surface mining ordinance of 1990.

>

> Here is a copy of the first 7 pages of a long report that was put
> together by one of the top geology firms in Oregon, Newton and
> Associates. It clearly shows the Quarry is qualified for Goal 5
> treatment. So your broad statement that the Eagle Star mine is "not a
> Goal 5 protected resource should not be so broadly stated. The
> county did not finish these designations because of their claimed
> lack of funding problems. A conditional use permit designation is
> not the determining factor regarding Goal 5 resources. I can furnish
> you a copy of the entire report if you wish for your records. It has the drilling and other information on the site that
was submitted to the county when it was written.

>

> The county has a decided interest in protecting Goal 5 resources,
> whether they have been finally given Goal 5 designation or not. The
> City of St Helens should have the same interest.

St Helens planning commission should protect

> property that has been mined for more than 50 years, that clearly
> qualifies as a Goal 5 resource and is actively mining right now .

>

> I thought the wisdom is that counties and cities should cooperate
> in planning endeavors and resource protection. ? thanks. I would
> love to talk to you about these issues.

>

> agnes marie petersen.

RECEIVED
OCT 24 2016
CITY OF ST. HELENS

COLUMBIA COUNTY
LAND DEVELOPMENT SERVICES

COURTHOUSE
ST. HELENS, OREGON 97051
PHONE (503) 397-1501
Fax (503) 366-3902

REC'D JUL 22 1999

MEMO

DATE: July 21, 1999
TO: John Knight
RE: Columbia Road & Driveway - Jillson Pit #05-0072
FROM: Carla J. Cudmore - Surface Mining Administrator *gc*

I reviewed the old records for Permit #-05-0055 (Hankey Pit) and it is apparent that at least portions of the Jillson property (5132 - 030-00300) have been under permit since 1973. Over time the property has been under permit to St. Helens Paving, Dwight Irby Construction, Yankton Paving and Rock, St. Helens Rock Company and now Columbia Road and Driveway. We have an old aerial photo with the property lines for the permitted area delineated which includes portions of the property (prior to the time applications included tax lots). We also have later permit applications (1990) which specifically include the Jillson Property by name and tax lot. The actual Jillson permit #05-0072 did not occur until 1996, but it is no longer a question to me if this mine site was in existence prior to July 1, 1990 when the 90-11 Surface Mining Ordinance became effective, it clearly was.

cc: file
Ken Jillson
Columbia Road & Driveway

**ST. HELENS ROCK QUARRY
SIGNIFICANCE DETERMINATION
GOAL 5 MINERAL AND AGGREGATE
RESOURCE EVALUATION
COLUMBIA COUNTY, OREGON**

Prepared For:

Mr. Keith Forsythe
Mr. Ken Jillson
Henze Services Inc.
1800 Railroad Ave.
St. Helens, Oregon 97051



DAVID J. NEWTON ASSOCIATES, INC.

January, 1996



DAVID J. NEWTON ASSOCIATES

INCORPORATED

Civil and Geological Engineering Services

January 31, 1996
Project No. 605-101

Mr. Keith Forsythe
Mr. Ken Jillson
Henze Services Inc.
1800 Railroad Ave.
St. Helens, Oregon 97051

ST. HELENS ROCK QUARRY SIGNIFICANCE DETERMINATION GOAL 5 MINERAL AND AGGREGATE RESOURCE EVALUATION COLUMBIA COUNTY, OREGON

DAVID J. NEWTON ASSOCIATES, INC. (DNA) is pleased to submit this letter report detailing the results of a Goal 5 evaluation of the St. Helens Rock Quarry proposed expansion area. The purpose of this evaluation is to provide information regarding the location, quality and quantity of the aggregate resource as requested by Columbia County for their aggregate inventory associated with the periodic review process. This inventory is in accordance with the Goal 5 process as mandated by the Oregon Land Conservation and Development Commission (LCDC).

Field visits to St. Helens Rock Quarry property were conducted in July, September, and October 1995 to perform a geologic evaluation of the site and resource. A representative sample of finished product was collected from a stockpile at the existing quarry operation for materials tests consistent with the administrative rules adopted by the Oregon Land Conservation and Development Commission, as required by Columbia County.

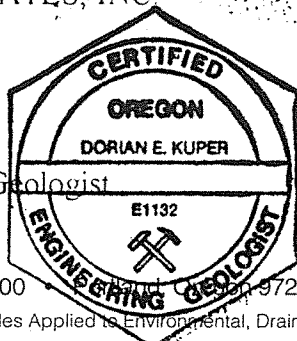
The attached report presents our analysis, conclusions and recommendations for inclusion of the St. Helens Rock Quarry into the Columbia County Mineral and Aggregate Inventory as a 1-C site. We appreciate this opportunity to work with you on this project. Please feel free to contact the undersigned if you should have any questions.

Sincerely,

DAVID J. NEWTON ASSOCIATES, INC.

Dorian E. Kuper

Dorian E. Kuper, CEG #1132
Project Manager, Engineering Geologist



Diane Murbach
Diane Murbach, CEG #1424
Project Engineering Geologist

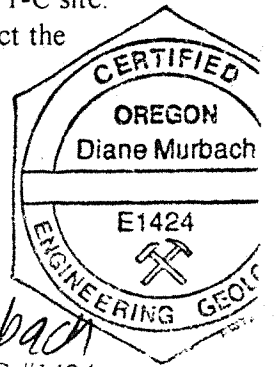


TABLE OF CONTENTS

	Page
1.0 INTRODUCTION	1
2.0 PURPOSE	1
3.0 SITE LOCATION	1
4.0 SITE CHARACTERISTICS	2
5.0 GOAL 5 SIGNIFICANCE DETERMINATION	2
5.1 Location	2
5.2 Quality	2
5.2.1 Goal 5 Material Test Methods	2
5.2.2 Quality Statement	2
5.3 Quantity	3
5.3.1 Site Investigations	3
5.3.2 Investigation Results	3
5.3.3 Quantity Estimate	3
6.0 CONCLUSIONS AND RECOMMENDATIONS	3
Figure 1	Vicinity Map
Figure 2	Site Plan (Tax Lot I.D., Boundaries, Geologic cross-section, Acreage, and Borehole Locations)
Appendix A	Legal Descriptions of Tax Lots
Appendix B	Materials Test Results
Appendix C	Hydra-Track and Auger Boring Logs

**ST. HELENS ROCK QUARRY
SIGNIFICANCE DETERMINATION
GOAL 5 MINERAL AND AGGREGATE RESOURCE EVALUATION
COLUMBIA COUNTY, OREGON**

1.0 INTRODUCTION

As part of the periodic review process, Columbia County has requested specific information regarding the location, quality and quantity of a potential aggregate resource for inclusion in its Mineral and Aggregate Inventory. This letter report summarizes the results of a geologic evaluation and material testing of a representative sample for the St. Helens Rock Quarry proposed expansion area as outlined by the Oregon Land and Conservation and Development Commission (LCDC) Goal 5 requirements in Oregon Administrative Rule (OAR) 660, Division 16 and Columbia County. The site visits and sample collection were conducted by Dorian Kuper, Diane Murbach, and John Lawes of David Newton Associates (DNA) in July, September, and October of 1995.

2.0 PURPOSE

The purpose of this evaluation is to provide information regarding the location, quality and quantity of the aggregate resource as requested by Columbia County for their aggregate inventory associated with the periodic review process. The quarry presently operates as "St. Helens Rock Quarry" under the Columbia County Surface Mining Permit process. The quarry originally opened in 1963, prior to permitting requirements for Surface Mining. Once the County established permitting requirements, the quarry was permitted in 1973 under the name "Yankton Paving and Rock" and operated until 1982. The quarry was reopened in 1990 and the current Columbia County permitted site is listed as 5 acres in Township 5 North, Range 1 West, Section 32. An additional 2 acres located west of the quarry was permitted in 1995. The location and vicinity are shown in Figure 1.

3.0 SITE LOCATION

The existing St. Helens Rock Quarry and proposed expansion area is located approximately one-and one-half miles by road northwest of U.S. Hwy. 30 and the town of St. Helens along a paved road (Hankey Road) in Columbia County, Oregon, as shown in Figure 1. The property is located in the southwestern one-quarter of Section 32, Township 5 North, Range 1 West. The proposed expansion area and current operation is shown in Figure 2, the Site Plan. The intended future quarry expansion is expected to be mined north and west of the current operation.

The area proposed for a Significant Resource under Goal 5 includes the current operation in two tax lots totaling approximately 50 acres. Figure 2 outlines the acreages for each tax lot in the area. Legal descriptions of tax lots designated for mining at the proposed site are presented in Appendix A.

4.0 SITE CHARACTERISTICS

A site reconnaissance was performed on July 27, 1995 by Dorian Kuper and again on October 11, 1995 by Diane Murbach, to the St. Helens Rock Quarry and adjacent area. The quarry and area for proposed expansion exist at approximately 200 feet above mean sea level (M.S.L.) at the southern boundary to 400 feet (M.S.L.) on the northern boundary, as shown in Figure 2. The Columbia River Basalt (Tcr) being mined at this location has been exposed due to the erosive action of the confluence of Milton and Perry Creeks. This naturally formed exposure of basalt affords easy accessibility for mining. With the nearby market for gravel products, this site is an ideal location.

5.0 GOAL 5 SIGNIFICANCE DETERMINATION

5.1 Location

St. Helens Rock Quarry currently operates the existing mine located within the proposed Goal 5 Significant Resource area as shown in Figure 2. The location of the St. Helens Rock Quarry property is significant because of the close proximity to Highway 30, and the ease with which mined products may be transported to markets.

5.2 Quality

5.2.1 Goal 5 Material Test Methods

The laboratory testing methods required by Columbia County for characterizing the quality of aggregate materials are the Abrasion (Los Angeles Rattler) Test, The Oregon Air Degradation Test and the Soundness (Sodium Sulfate) test.

5.2.2 Quality Statement

DNA collected a representative sample of a finished rock product from a stockpile from the active quarry operation for testing. This product would be representative of that mined and processed in the proposed expansion area. The sample was tested by Carlson Testing, Inc. of Tigard, Oregon. The sample was analyzed in accordance with guidelines set forth by Oregon Department of Transportation (ODOT). Laboratory analysis, as submitted by Carlson Testing, Inc., are presented in Appendix B along with results of sampling on the same product by ODOT for a road-building project in Columbia County last year.

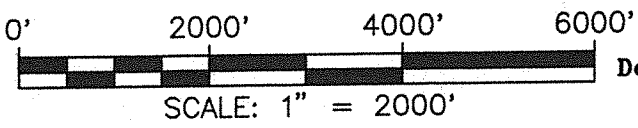
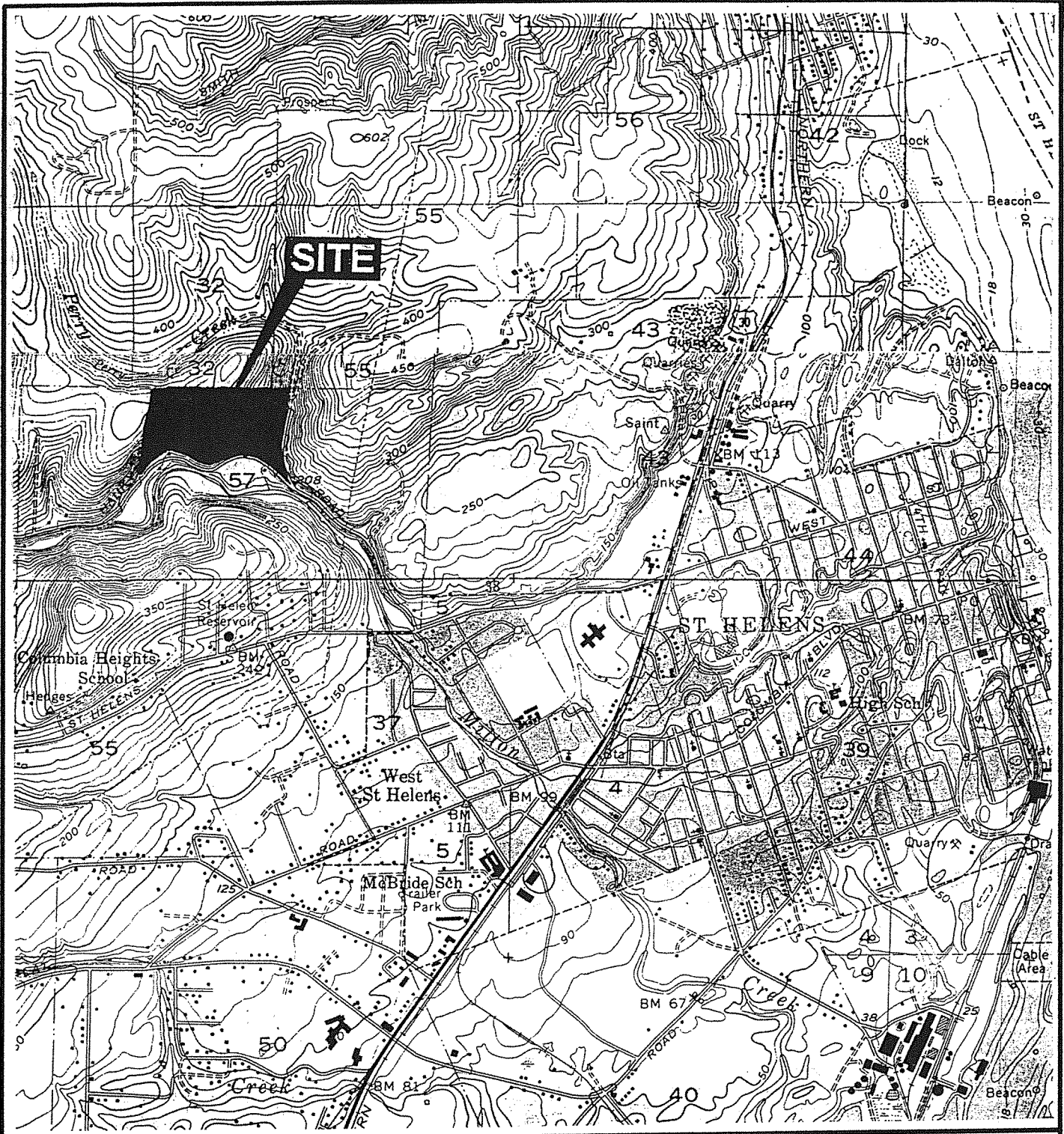
The sample tested was found to be suitable for use as aggregate for construction purposes under OSHD Specific Standards (1991) Part 02000, Section 02630 and 02640. Based on the analyses performed on the sample collected from the operation, the rock meets or exceeds required ODOT specifications.

January 31, 1996
St. Helens Rock Quarry - Goal 5
Project No. 605-101

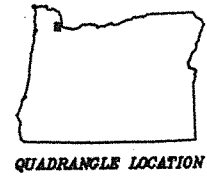
Page 4

The quality of the proposed aggregate site surpasses the minimum requirements of the ODOT specifications. The quantity of resource underlying the site is in excess of 4.1 million cubic yards, an economically significant resource to be utilized.

The 50-acre site should be classified as a significant Goal 5 Mineral and Aggregate Resource site as defined by the State and County based on the above description of location, quality and quantity of the resource. It is recommended that the site be placed in the Mineral and Aggregate Inventory of Columbia County for protection as a 1-C site, a significant site.



Base Map:
Deer Island and St. Helens
U.S.G.S. Quadrangles



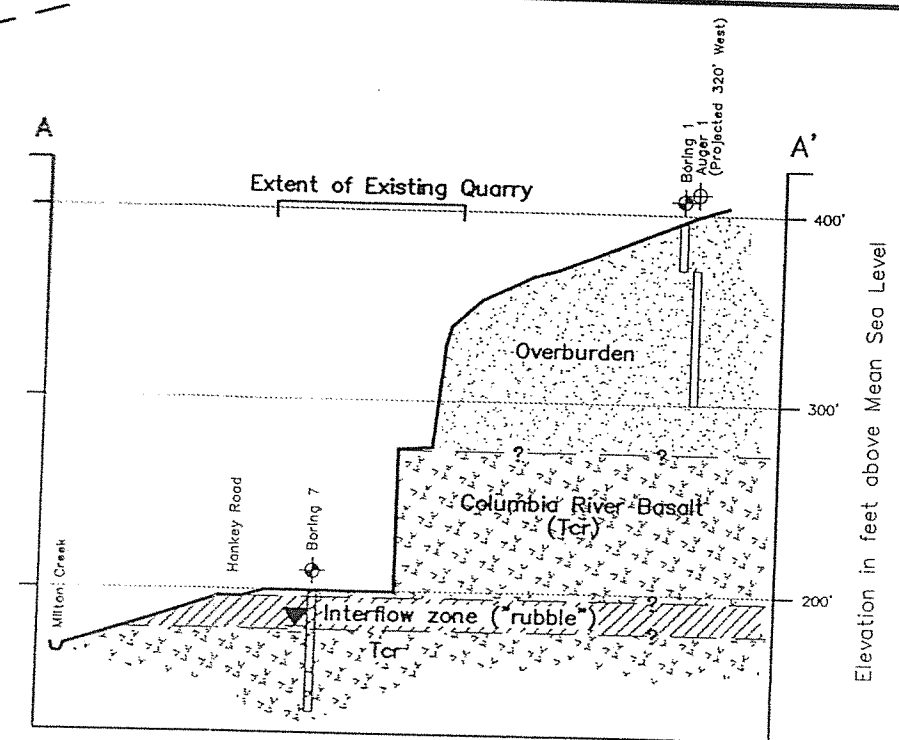
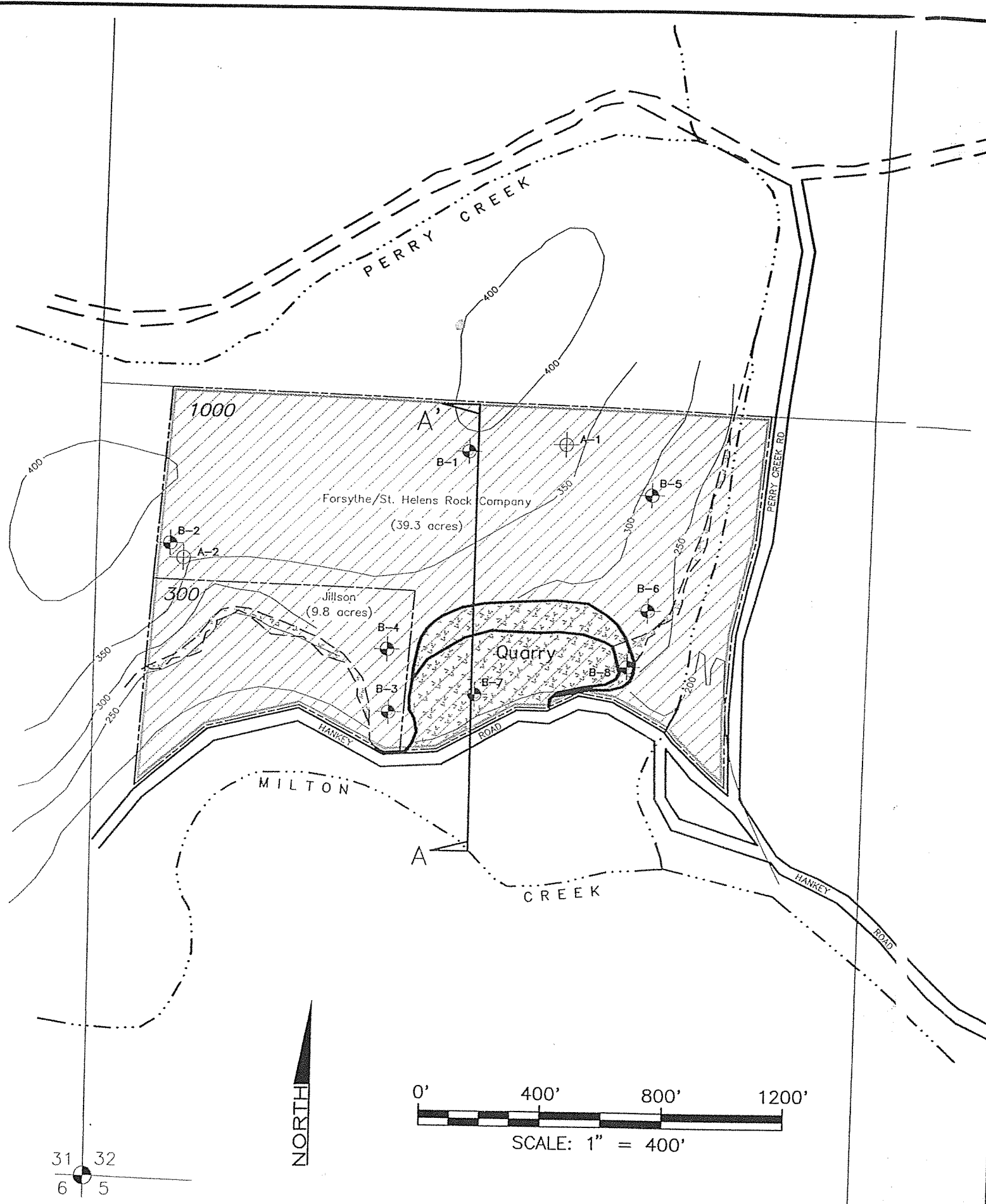
DAVID J. NEWTON ASSOCIATES, INC.
CIVIL & GEOLOGICAL ENGINEERING SERVICES
1201 S.W. 12TH AVENUE, SUITE 400
PORTLAND, OREGON 97205
(503) 228-7718
FAX (503) 228-7781

VICINITY MAP

DATE	FILE NAME	INITIALS	PROJECT NO.
Jan. 1996	VICINITY	RE	605-101

St. Helens Rock Quarry - Goal 5
Columbia County, Oregon

FIGURE
1



Geologic Cross-Section A-A'
 Horizontal Scale: 1" = 400' Vertical Exaggeration: 4x

EXPLANATION

- B-8 Approximate Location of Hydra-Track Boring
- A-2 Approximate Location of Solid Stem Auger Boring
- Approximate Location of Quarry Highwalls
- Approximate Tax Lot Line and Proposed Mining Area
- Approximate Stream Channel
- Approximate Mapped Outcrop of Columbia River Basalt (Tcr)
- Axis of Cross-Section A-A'

All elevations and distances approximate. Elevation to top of Columbia River Basalt inferred from exposure in existing quarry.
 Base Maps: Columbia County Tax Assessors Maps, U.S.G.S. St. Helens 7.5' Quadrangle

DAVID J. NEWTON ASSOCIATES, INC.
 CIVIL & GEOLOGICAL ENGINEERING SERVICES
 1201 S.W. 12TH AVENUE, SUITE 400 (503) 228-7718
 PORTLAND, OREGON 97205 FAX (503) 228-7781

DATE	FILE NAME	INITIALS	PROJECT NO.
Jan. 1996	SITEPLAN	JL	605-101

SITE PLAN

St. Helens Rock Quarry - Goal 5
 Columbia County, Oregon

FIGURE
2

Jacob Graichen

From: agnes petersen <agi12342003@yahoo.com>
Sent: Thursday, October 20, 2016 4:27 PM
To: Jacob Graichen; Andrew Tull
Cc: Mark Zoller; John Howorth; agnes petersen
Subject: Re: Elk Ridge Estates - Phase 6 - Additional Written Testimony

Dear Mr. Tull and all addressees

My clients have reviewed your paperwork, that of the planner and that of the homeowner. They agree to the notice that you have amended and the change in language to be added to all deeds. It looks like this should be added as condition 16, and condition 17 should be changed in accordance with the language used in the notice. With that said, it looks like we can tell the planning commission that we have agreed to a solution. Does that work for you? thanks for your courtesies. sincerely, agnes marie petersen.

On Tue, 10/18/16, Andrew Tull <andrew.tull@3j-consulting.com> wrote:

Subject: Elk Ridge Estates - Phase 6 - Additional Written Testimony
To: "Jacob Graichen" <jacob@ci.st-helens.or.us>
Cc: "Mark Zoller" <mark@mhzoller.com>, "John Howorth" <john.howorth@3j-consulting.com>, "agnes petersen" <agi12342003@yahoo.com>
Date: Tuesday, October 18, 2016, 3:28 PM

Good afternoon Jacob,

Please find attached the Applicant's additional written testimony regarding the Elk Ridge Estates Phase 6 Subdivision. If you'd please add these materials to the record and place them before the planning commission, we'd be greatly obliged.

Please let me know if you have any questions.

Best Regards,

Andrew Tull
Principal
Planner
3J Consulting,
Inc.
5075 Griffith Drive,
Suite 150

Jacob Graichen

From: Erin Geile <erin@cbsnw.com>
Sent: Tuesday, October 18, 2016 4:56 PM
To: Jacob Graichen
Cc: Jennifer Dimsho
Subject: RE: additional comment to 10.11.16 planning commission meeting

Correct my date typo

From: Erin Geile
Sent: Tuesday, October 18, 2016 4:56 PM
To: 'jacobg@ci.st-helens.or.us' <jacobg@ci.st-helens.or.us>
Cc: 'jdimsho@ci.st-helens.or.us' <jdimsho@ci.st-helens.or.us>
Subject: additional comment to 10.11.16 planning commission meeting

RECEIVED
OCT 18 2016
CITY OF ST. HELENS

Mr. Graichen,

I am not opposed to continued development but I do have some concerns to be addressed, as I said in my testimony at the meeting on 10/11/16.

I would like to add additional comment to my testimony regarding a water pressure issue with the upper lots in the Elks Ridge Estates development.

The owner made 2 comments I found troubling. My testimony was the first he had heard of a water pressure issue in the development and that he was not the builder of my particular house therefore he would have no involvement with the water pressure issue on my lot.

It is my understanding that the developer is the party responsible to install the public utilities and public infrastructure such as the water main and not the individual home builders. Therefore as the developer on this project he would/should have at least some measure of responsibility to make sure those public utilities are adequate. After all, isn't that why he is installing the pump house for the new phase. Additionally it seems hard to believe that he had no prior knowledge of an existing issue with the previous phases of this development. If there is no problem with the current gravity method for pressure why is he going to the additional expense to have this pump house added for the most recent phase of development.

I am asking that the new pump house be configured so as to address the low water pressure in the upper lots of the prior phases.

I would also like to question a comment made during the 10/11 meeting regarding the careful control of runoff during the additional soil cuts discussed for phase 6. The comment was that the runoff was minimal and contained. It is my understanding that there is an unresolved issue with the DEQ and the Elks Ridge Estates HOA regarding sediment and runoff, for which filters had to be added to the manholes in the development to help control the sediment. It is my further understanding that the homeowners declined to take ownership of the HOA from the owner/developer, who is also the current President of the Elks Ridge Estates HOA, until the DEQ situation was resolved and any cost to the homeowners or developer could be determined.

Thank you for allowing me to make additional comment. I have cc's your assistant since you've mentioned an email issue today to make sure this arrive by the cutoff time.

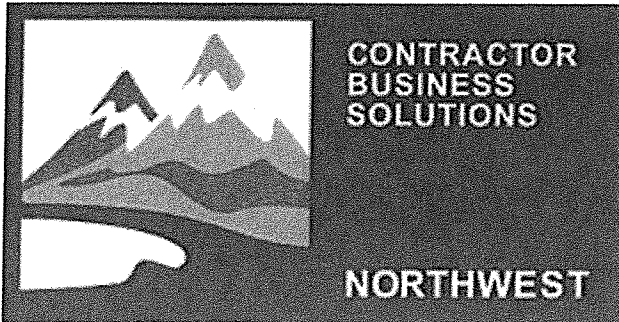
Sincerely,

Erin Geile

Contractor Business Solutions Northwest

Phone: (425) 948-4075 X 2 Phone: (503) 419-9729

Email: erin@cbsnw.com Website: www.cbsnw.com



3J CONSULTING

5075 SW GRIFFITH DRIVE, SUITE 150
BEAVERTON, OREGON 97005
PH: (503) 946.9365
WWW.3J-CONSULTING.COM

October 18, 2016

RECEIVED

Mr. Dan Cary, Chair
City of St. Helens
Planning Commission

OCT 18 2016

CITY OF ST. HELENS

Elk Ridge Estates, Phase 6
St. Helens, Oregon

Dear Chair Cary,

This office represents St. Helens Assets, LLC regarding the preliminary subdivision number SUB.1.16, Elk Ridge Estates – Phase 6.

During the October 11th public hearing for the Elk Ridge Estates Subdivision, the hearing was continued to November 8th for deliberations and the record was left open to allow seven days for additional written testimony by the Applicant, seven days for rebuttal testimony by parties with standing, and seven days for the Applicant's final written argument. This letter has been prepared in order to provide comments regarding the suggested conditions of approval numbers 16 and 17 as described in the testimony presented by Counsel on behalf of Mr. Kenneth Jillison and Mr. Keith Forsythe.

In Mrs. Peterson's October 11, 2016 testimony before the commission and written communication, it was suggested that two conditions of approval should be incorporated into the land use decision for the subdivision. These conditions would serve to notify owners through a deed notation that the properties adjacent are conducting legal and permitted mining activities on properties which have recognized Goal 5 resources. The notifications as proposed would further restrict the ability of the property owners within the subdivision from remonstrating against the owners of the adjacent property for conducting legally permitted mining activities.

Condition of approval 3.d. currently requires a plat restriction alerting future residents that the site is located adjacent to active mining operations. The requirement for either a plat note or a recorded notification instructing future owners that the neighboring properties are legally entitled to continue conducting surface mining operations was placed on the properties through a 1996 City Council Decision. With the former phases of the subdivision, a note has been specifically added to the plat in order to inform future residents of the subdivision about the neighboring mining activities.

The Applicant appreciates the rights and entitlement of the neighboring property owners to conduct legally permitted mining activities on their properties, within the bounds of their permits. The Applicant further appreciates the need to notify future residents that their homes are located within close proximity to an active mine on a state acknowledged Goal 5 resource site. To these ends, the Applicant is proposing to record a Quarry and Mining Disclosure statement which will run with the land and be distributed to all buyers within the current and future phases of the subdivision. A copy of the draft statement has been provided to the neighboring property owners and has been provided, in draft, as an attachment to this letter.



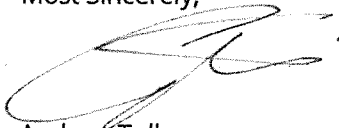
The Applicant's recordation of the proposed signed statement will result in the delivery of a copy of the disclosure to every new purchaser of properties within the subdivision and will make clear that the neighboring property owners have a right to exist and conduct mining activities, subject to the limits of their permits. The Applicant wishes to specifically exclude the suggested remonstrance clause in the written notifications associated with the property as the Applicant has no desire and is under no obligation to restrict the rights of the subdivision's future owners.

Based upon the Applicant's proposed entry of a disclosure into the record addressing the quarry and mining operations, no changes to Condition 3.d of the City's staff report are required. The Applicant therefore requests that the City's Planning Commission approve the Subdivision with only the modifications to condition 2.F, as described in our October 11, 2016 correspondence.

While the Applicant is conscience and concerned about the issues before the Commission, it should be stated that testimony entered into the record in support of the remonstrance clause does not address any relevant sections of the City of St Helens' Applicable Subdivision approval criteria. Further, the mine sites referenced within the testimony are located adjacent to the subject property but are outside of the City's jurisdiction and are in unincorporated Columbia County. Even if Columbia County has requirements for developing property owners to agree to non-remonstrance requirements, these provisions do not exist within the City of St. Helens approval criteria for a subdivision application. For these reasons, the Commission is under no code mandated obligation to impose a remonstrance clause.

We genuinely appreciate the Commission's attention to this matter and we will be ready to provide the Commission with any necessary assistance in evaluating the proposed subdivision plat.

Most Sincerely,



Andrew Tull
Principal Planner
3J Consulting, Inc.

copy: Mr. Mark Zoller, St Helens Assets, LLC
Mr. John Howorth, 3J Consulting
Mrs. Agnes Peterson, Van Natta, & Petersen
File

After Recording Return to:

St Helens Assets, LLC
P O Box 288
Washougal, WA 98671

Quarry and Mining Disclosure

Re: Elk Ridge Estates Phase 6, St Helens, Columbia County, Oregon

The herein described real property in Columbia County, Oregon is within the impact area of State of Oregon Goal 5 mining sites which are conducting mining operations. Those activities may include extraction, processing and distribution of aggregate, including causing, dust, blasting, noise, and other incidents of mining activities.

The real property affected by this notice is:

Elk Ridge Estates Phase 6, City of St Helens, Columbia County, State of Oregon; and shall include all future phases or expansion; and shall exclude all prior phases, of Elk Ridge Estates Subdivision.

All deeds to property within Phase 6 and future phases will contain the following language:

“The grantees of this subdivision acknowledge that there are existing permitted quarries conducting surface mining in close vicinity to this property. The Grantees hereby acknowledges and consents to all operations provided it is performed and limited to all legally permitted municipal uses, restrictions, and operating limits, accordingly.”

This notice and acknowledgment runs with the land and binds the successors and all future transfer(s) or assignment(s) of the grantees”

Authorized owner or agent

STATE OF _____

COUNTY OF _____

I certify that I know or have satisfactory evidence that Mark H Zoller, for and on behalf of St Helens Assets, LLC, is the person who appeared before me, and acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes therein mentioned.


Notary Public in and for the State of _____ Dated _____ Residing at _____

My appointment expires: _____



CITY OF ST. HELENS PLANNING DEPARTMENT

MEMORANDUM

TO: Planning Commission / File SUB.1.16
FROM: Jacob A. Graichen, AICP, City Planner 
RE: "Quarry notice" condition(s) for the Elk Ridge Estates Subdivision
DATE: October 18, 2016

There are two quarries within proximity of the Elk Ridge Estates development (assuming all areas are developed, not just Phase 6 as currently proposed). There is the Eagle Star quarry which is approximately 200'+ to the west and the Watters quarry approximately 2,800 feet to the east. See attached map. These quarries also existed in the Elk Ridge development's early years.

In the mid-1990's before any phase of the subdivision (then known as St. Helens Heights) was recorded (platted), the "quarry notice" was included as condition "J" requiring a Waiver of Remonstrance to recognize the quarry and its owners right to operate and exist. Exact language was not determined initially. This Planning Commission decision was appealed to the City Council, who in 1996 modified the condition as follows (see attached 1996 decision):

...the new wording and instructions for recording would be as follows: *"That this property is located in the vicinity of properties which have the right to exist to conduct a surface mining operation and those activities may include extraction, processing and distribution of aggregate, so long as the quarries operate within the law and appropriate government regulation."* This wording will be included on the Notice of St. Helens Heights Subdivision Requirements and recorded by fee number or appropriate notation on the final plat.

The final plat for phase 1 was recorded in 1998 and despite being a mere couple of years after the 1996 decision, with the same City Manager and City Planner, nothing appears to have been done for that phase to advance condition "J." Phase 2 was recorded in 2008. The same City Planner who was present in 1996 required that the Phase 2 plat include the language in *italics* (more-or-less) above. So at this time, the City honored this condition via notation on the final plat; an option of the 1996 decision (note the "or" towards the end of the 1996 condition language). Starting in 2007 with the City, I was present at this time as the Assistant Planner, and recall discussing this with the then City Planner, who retired in 2010.

Phase 4 (a replat of 5 lots) (2010), and phase 5 (a replat of 7 lots) (2014) required the same notation on the final plat consistent with the Phase 2 requirement. Note that phase 3 was just for a city high elevation water reservoir and not a residential lot; thus the notation was not required. Also, Phase 1 consisted of 14 Lots and Phases 4 and 5 together replatted 10 of the Phase 1 Lots. So today, only 4 existing Lots lack the notation.

In 2013, the Commission reviewed a preliminary plat application for what is now known as Phase 6 (called Phase 5 at the time). The "quarry notice" issue was raised at that time and the Commission determined that in addition to the plat notation as had been done with Phases 2, 4 and 5, that the CC&Rs also include the "quarry notice" language. See attached May 14, 2013 Planning Commission minutes.

Now that the applicant has reapplied for the Phase 6 preliminary plat approval (due to elapsed validity period), this issue is once again a matter of testimony, record and discussion.

At your October 11, 2016 meeting, the Commission asked about the legality of the “quarry notice” requirement. This memo is intended to provide history of the matter and the current circumstances to help the Commission make a decision.

One question before the commission is what form the “quarry notice” should take? For example, should it be a statement of awareness or a waiver of remonstrance (WOR)? The non-remonstrance agreement (WOR) is a Goal 5 requirement. In Oregon certain aggregate sites are protected per Goal 5.

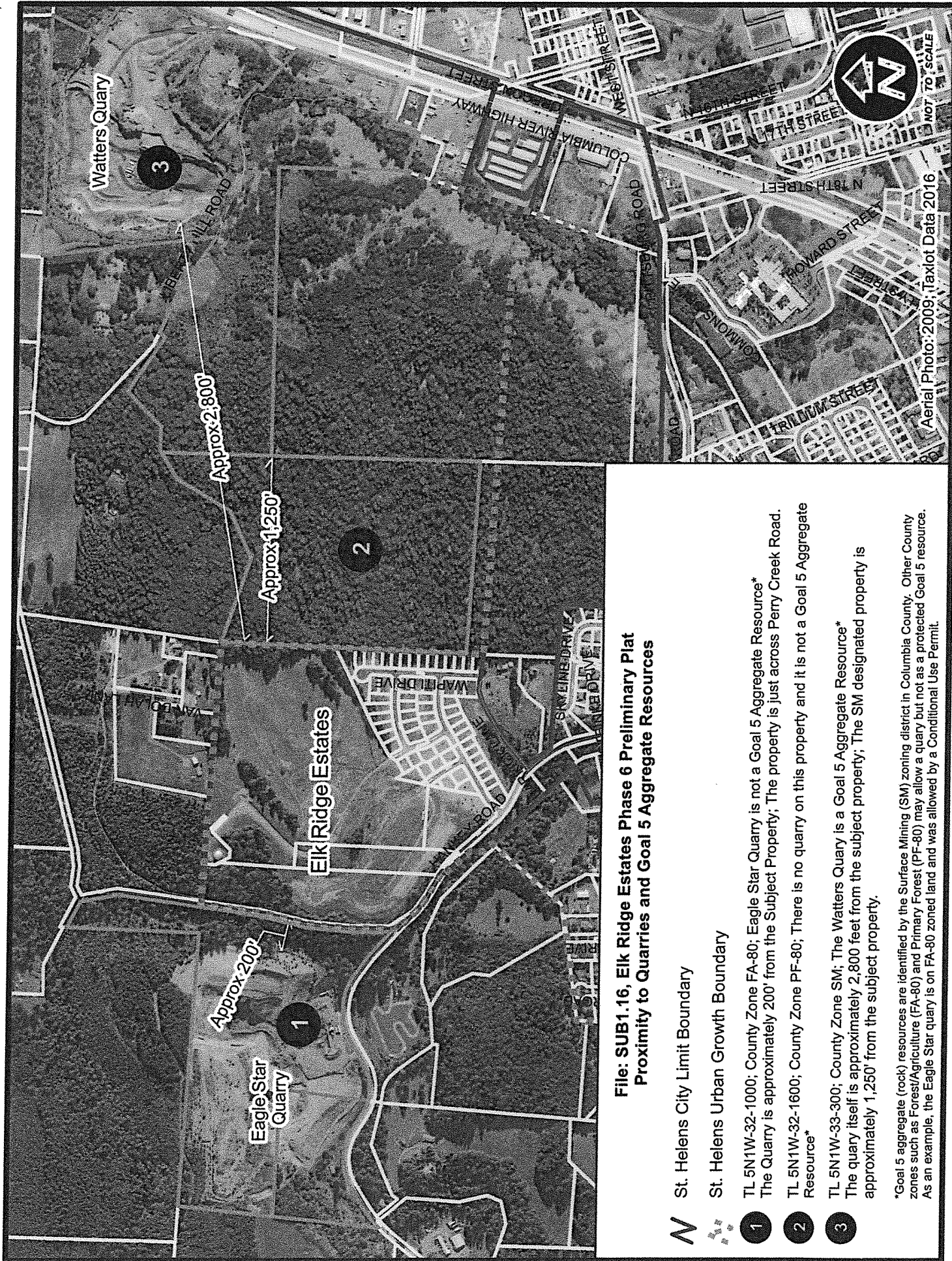
To help understand the situation I had a conversation with the Columbia County Counsel’s office as well as Columbia County Land Development Services on October 17, 2016. Here is what I found out:

- The Eagle Star mine was approved via Conditional Use Permit (1990), and thus is not a Goal 5 resource site. This quarry is not a Goal 5 protected resource.
- A condition of the County Conditional Use Permit states that no mining is allowed within 200’ of a residential zoned property. Thus, the county could enforce that if they got too close to the Elk Ridge Development.
- Non-remonstrance (WOR) is a Goal 5 requirement.
- Even if the Elk Ridge Phase 6 was in the County, the County wouldn’t require a WOR. (At least not based on it being near a goal 5 resource)
- The Watters Quarry is a Goal 5 protected resource, but much further away from the Elk Ridge Development. If it expanded closer to the Elk Ridge Development, the quarry would likely need include impact mitigation methods for the benefit of the residential uses.
- Further, regardless of County law, the County doesn’t have jurisdiction of the Elk Ridge Proposal. County law does not apply to this development; its within St. Helens.

I also reviewed the County zoning maps on October 18, 2016. Even though the Waters Quarry is a Goal 5 aggregate resource, that property doesn’t abut the Elk Ridge subject property. Rather, it is separated by a property that is not a Goal 5 aggregate resource by about 1,250 feet. Since the Eagle Rock quarry is not a Goal 5 aggregate resource, there is no adjacent Goal 5 aggregate resource to the subject property. See attached map the illustrates these findings.

In the Commission’s consideration for certain notice of surrounding quarries, there doesn’t appear to be a statutory guide. State law doesn’t appear to apply (as it pertains to Goal 5 at least) and County law doesn’t apply. I recommend considering the facts in this memo and the testimony from other parties, using your best judgement.

Just remember, your ultimate goal is **public health, safety and welfare**. And if there is not a law that steers you in a certain direction, this should always be your destination for decision making.



**File: SUB1.16, Elk Ridge Estates Phase 6 Preliminary Plat
Proximity to Quarries and Goal 5 Aggregate Resources**

St. Helens City Limit Boundary

St. Helens Urban Growth Boundary

1 TL 5N1W-32-1000; County Zone FA-80; Eagle Star Quarry is not a Goal 5 Aggregate Resource*
The Quarry is approximately 200' from the Subject Property; The property is just across Perry Creek Road.

2 TL 5N1W-32-1600; County Zone PF-80; There is no quarry on this property and it is not a Goal 5 Aggregate Resource*

3 TL 5N1W-33-300; County Zone SM; The Watters Quarry is a Goal 5 Aggregate Resource*
The quarry itself is approximately 2,800 feet from the subject property; The SM designated property is approximately 1,250' from the subject property.

*Goal 5 aggregate (rock) resources are identified by the Surface Mining (SM) zoning district in Columbia County. Other County zones such as Forest/Agriculture (FA-80) and Primary Forest (PF-80) may allow a quarry but not as a protected Goal 5 resource. As an example, the Eagle Star quarry is on FA-80 zoned land and was allowed by a Conditional Use Permit.

City of St. Helens

P.O. BOX 278

PHONE (503) 397-6272

St. Helens, Oregon
97051

COF

FINDINGS OF FACT AND CONCLUSIONS OF LAW St. Helens Heights Subdivision Preliminary Plat Condition J Appeal of Wording by Planning Commission

1. January 10, 1995 the Planning Commission signed the Findings of Fact and Conclusions of Law approving the Preliminary Plat for the St. Helens Heights Subdivision.

2. The "J" condition of approval stated that "The applicant (John Green of Construction Dynamics, Inc.) and J.H. & D., Inc. and Morse Bros., Inc. will work together to develop language for a Waiver of Remonstrance. This Waiver of Remonstrance generally is to recognize the quarry and its owners' rights to operate and exist. This Waiver of Remonstrance is to be a deed notification once all parties agree to the wording."

3. There also is a "Note: If any condition mentioned above cannot be met then another Public Hearing will be required to find a resolution."

4. The developer has sold this property to a new owner, St. Helens Limited Partnership, with David Longood acting as the Attorney and General Partner. David Longood has written a letter requesting that the Planning Commission hold a Public Hearing for the express purpose of removing the above mentioned "J." condition of approval to the Preliminary Plat approval of January 10, 1995.

BACKGROUND

K.C. Klosterman of Morse Bros., Inc. and David Williamson Sr., local attorney representing J.H. & D., Inc. and Morse Bros., Inc., contacted the staff with their concerns about allowing such a large and dense development so close to a significant Columbia County Goal 5 Mineral Resource. They submitted written testimony stating their concerns and suggested solutions. They attended the Public Hearing November 10, 1994 and further stated their concerns.

Both the applicant and the above mentioned quarry parties agreed, during the meeting, that they would work together to find wording for a Waiver of Remonstrance that would allow Morse Bros., Inc. to operate their quarry and would let future property owners in the subdivision know there is an operating quarry immediately to the east. The subdivision developer's concern was to not create negative marketing and the quarry developers' concerns were to reduce lawsuits and allow them to operate. The reason for the condition of approval was to allow the approval process to continue and to give both parties an alternative to appeals of a Planning Commission decision on this subdivision.

Both Mr. Green and Morse Bros., Inc have submitted copies of correspondence and suggested wording for "Waiver of Remonstrance" to the City for our records. Both have expressed concern for the other's interest or lack thereof to reach an agreement.

The new owner submitted a request for the condition J to be deleted. He also submitted various suggested versions of the wording, if applicable.

Since the appeal period has lapsed the only methods to change an approved preliminary plat are to 1) wait until a final plat is submitted; 2) wait until it is determined that a condition cannot be met; or 3) request another public hearing for change to the preliminary plat.

GENERAL INFORMATION:

1. Location- The project site is located on the north side of the intersection of Barrick Lane and Hankey Road, about one-fourth mile north of Pittsburg Road.

2. Field Inspection- Along the southern edge of the site, along Barrick Lane (Forrestal Street) there is a rather large and open field to the north. There apparently is no other immediate accessway to the site so the rest of this description is from the 1979 Robert E. Meyer Engineers, Inc. Hankey Road Property Site Development Feasibility Study for Dwight W. Irby dated September 1977. This study was included in a previous application for a PUD for this same site. The site area slopes to the south and southwest at an average gradient of about 12%. There is considerable variation in the slopes found on the site. The range of slopes is from 3% to over 25%.

The topography divides the site into three distinct areas. Beginning at the bottom or south end of the site is a moderately sloping area of about 25 acres. This is followed up the slope by a steep rise to a second moderately sloping area of 30 acres. Another steep rise is followed by a moderately sloping area of about 5 acres at the top of the hill. The west side of the site generally slopes steeply downward toward Hankey Road and Milton Creek. A small area of over 1.5 acres lies along the banks of the creek to the west of and below Hankey Road.

Most locations on the site offer very good views of the hills to the west, Sauvie Island, Multnomah Channel and the Columbia River to the south and the City of St. Helens, Columbia River and southwest Washington to the east. The buildings of Portland are visible in the distance to the south.

3. Comprehensive Plan- The Comprehensive Plan designates the site as Suburban Residential.

4. Zoning- The zoning of the property is R-7 Moderate Residential. Minimum size for lots are 7,000 sq. ft. Average proposed lot size is 8350 sq. ft. with no lot size below 7,000 sq. ft.

5. Access- Access to the site is from Hankey Road, a paved street maintained by the County and Perry Creek Road which is not paved and also belongs to the County.

CRITERIA:

The condition of approval was included in the approval of the preliminary plat at the request of both the subdivision developer and the quarry developers during the public hearing in November. It was not included as a result of meeting a criteria for approval of subdivisions.

PUBLIC HEARING:

1. A public hearing was held starting October 24, 1995 after giving due notice to property owners, affected parties and the public.

2. Testimony was received and entered into the record by many persons.

3. The record was left open for an extra seven days for any additional testimony.

4. The public hearing was closed and deliberations conducted on November 14, 1995.

5. The commission decided upon the wording for Condition J based on the fact that the two subject parties (Developer and J.H.&D./Morse Bros.) could not come to an agreement on the wording.

6. The new wording for Condition J is as follows:

"A one-time notification document (see attached Notice of St. Helens Heights Subdivision Requirements) is to be filed at the time of the final plat filing for the properties that are described on that final plat and shall include the following words: That this property is located in the vicinity of properties which have the right to exist to conduct a surface mining operation, whose activities may include drilling, mining, crushing, blasting, processing, and distribution of aggregate, so long as the quarry operates within the law and appropriate government regulation."

7. December 4, 1995, David Longood and Gary Conley of St. Helens Heights Limited Partnership submitted an application of appeal of the Planning Commission's decision on the wording of Condition J agreement.

8. On December 20, 1995 the City Council set January 31st as a public hearing date, which was subsequently postponed based upon a request from the appellant. The new date was set for March 5, 1996 at 7 PM.

9. Notice was sent out by first class mail to all affected parties on January 30, 1996. Notice was published in The Chronicle on February 28, 1996.

10. The City Council held a public hearing March 5, 1996 and received testimony from the Staff, Appellant, Proponents, and Opponents.

11. The proponents stated that one partner of their partnership had quit due to the language of Condition J and that potential finance sources had registered concern over the words that were used in Condition J to describe quarry operations such as blasting, drilling and crushing. The proponents stated that they did not want restrictions placed on their property that were greater or more restrictive than other similar developments in the City. The proponents stated that they did not believe that this matter fit the Goal 5 Statewide Planning rules.

12. The opponents of the appeal stated that they wanted the language to stay the same and that they believe the wording was not negative nor should affect the developer's ability to sell lots. They felt it was the minimum necessary to protect their rights to operate quarries in the vicinity.

13. The council members asked if the wording could be modified without losing the protection afforded for the nearby quarries. The proponents stated it could and the opponents did not believe it was necessary to change the wording after all the work that the commission and staff had done.

14. During deliberation the council members expressed concern with how the "notice" would be documented on the deed and plat. They also expressed concern that a reasonable person would find the words "blasting, drilling and crushing" as negatives to buying property and that reasonable persons buying property in a subdivision with notice that a "quarry is operating nearby" would normally either know that it includes drilling, crushing and blasting or would look into it. One councilor was concerned that describing an operation of a quarry could become obsolete in time as techniques may change. The main concern stated by the council members was that both parties have rights to exist and operate.

15. The council voted to amend the decision of the Planning Commission by changing some of the wording and adding an instruction to cross reference the Notice on the final plat.

16. Thus the new wording and instructions for recording would be as follows: "That this property is located in the vicinity of properties which have the right to exist to conduct a surface mining operation and those activities may include extraction, processing and distribution of aggregate, so long as the quarries operate within the law and appropriate government regulation." This wording will be included on a Notice of St. Helens Heights Subdivision Requirements and recorded by fee number or appropriate notation on final plat.

Brian D. Little
Brian D. Little
City Recorder

Donald L. Kallberg
Donald L. Kallberg, Mayor

3/6/96
Date

3/6/96
Date

Language used on:
Phase 2, 4 (replat of 1 & 2), 5 (replat of 1)
final plats

Not an original phase 1 (?) or phase 3 (high elevation water)

Notes from
Oct 2016

RECORDED
FEB 1998

there is a temporary drainage swale along the easterly edge of the subdivision. In looking at the tree preservation plan, it looks like the drainage swale runs directly through those trees. What is the swale for?

Harker said that it is a general swale. The intent is for the swale to collect water that is running downhill to prevent it from running into people's backyards. The swale is intended to be rather small, so it should not pose an issue to the preserved trees. Harker pointed out that the water, sewer and storm systems are already installed, so making changes to the existing infrastructure can be difficult.

END OF ORAL TESTIMONY

There were no requests to continue the hearing or leave the record open.

CLOSE PUBLIC HEARING & RECORD

The applicant waived the opportunity to submit final written argument after the close of the record.

DELIBERATIONS

Commissioner Cohen said his biggest concern is having only one access and egress point. Commissioner Amos said there is an eyebrow protection on the main access point and after that there are split roads everywhere so that you can drive two ways. This prevents people from being locked into one spot in the event of a major emergency.

The Commission agreed that they did not want an alternate pedestrian access on to Hankey Road.

The Commission agreed that the CC&Rs should reference the existence of a nearby rock quarry. Graichen said he would suggest adding the language to condition 2(e) stating section 3(d) shall be included.

MOTION B

Commissioner Cohen moved to approve the subdivision with an addition being made to condition 2(e) adding that the CC&Rs include the language noted in 3(d). Commissioner Amos seconded. All in favor; none opposed; motion carries.

Commissioner Webster moved for the Chair to sign the findings and conclusions before the next regular Planning Commission meeting. Commissioner Cohen seconded. All in favor; none opposed; motion carries.

Public Hearing

St. Helens Marina, LLC

Conditional Use Permit & Variance / V.2.13 & CUP.1.13

135 N River Street

It is now 9:10 p.m. and Chair Petersen opened the public hearing. There were no ex-parte contacts, conflicts of interest or bias in this matter.

Jacob Graichen entered the following items into the record:

- Staff report packet dated May 7, 2013 with attachments

Graichen reviewed the staff report with the Planning Commission. The applicant has proposed replacing an existing house with a 4-plex. This is a double frontage lot, requiring two front setbacks. This is one of the

Commissioner Amos, Cohen and Webster voted in favor; Vice Chair Cary and Commissioner Semling voted against; motion carries.

Commissioner Cohen moved for the Chair to sign the findings and conclusions before the next regular Planning Commission meeting. Commissioner Webster seconded. All in favor; none opposed; motion carries.

Public Hearing

St. Helens Assets, LLC

Subdivision / SUB.1.13

Elk Ridge Estates, Phase V

It is now 7:55 p.m. and Chair Petersen opened the public hearing. There were no ex-parte contacts, conflicts of interest or bias in this matter.

Jacob Graichen entered the following items into the record:

- Staff report packet dated May 7, 2013 with attachments

Graichen reviewed the staff report with the Planning Commission. He pointed out that there are a group of trees identified for tree preservation and another area designated for open area. There is also only one access point into the subdivision.

Commissioner Cohen asked if Graichen would recommend screening to stabilize potential rocks falling down the slope to Hankey Road. Graichen said that an engineer would make that recommendation. There are probably several potential options to prevent the danger of falling rocks.

Commissioner Semling asked if one entrance into the subdivision would be enough. Graichen said the traffic study showed that the road would not see significant increase in traffic from the subdivision's development.

IN FAVOR

γ **Mark Zoller, representing St. Helens Assets LLC.** Zoller said that they are dealing with a pre-existing plat. They are submitting the plat relatively similar to what was proposed in the past. They are not trying to increase the density. They went from 60 lots down to 56 lots [sic] (*secretary's note: the lots were reduced to 58, not 56 as stated in the meeting*). They agree to the conditions as proposed in the staff report.

Commissioner Amos asked if they were in agreement with paving the sidewalk down to Pittsburg Road. Zoller said that he thinks a completed sidewalk would be a selling asset for the development.

Chair Petersen asked about disclosing the potential noise involved with a rock quarry being next to the subdivision. Zoller said as a developer, he would rather disclose the issue ahead of time. Chair Petersen asked if Zoller would be opposed to a condition being included to disclose the potential noise issue in the CC&Rs. Zoller said he had no objection.

γ **Norman Harker, engineer for Elk Ridge Subdivision.** Vice Chair Cary said that in the plans

**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Variance V.7.16**

DATE: November 1, 2016
TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner

APPLICANT: Robert and Martha Sipe
OWNER: same as applicant

ZONING: Moderate Residential, R7

LOCATION: 4N1W-5CC-1804

PROPOSAL: Variance to allow reduced side and rear yards (setbacks) for a building addition

The 120-day rule (ORS 227.178) for final action for this land use decision is February 2, 2016.

SITE INFORMATION / BACKGROUND

The subject property is Lot 26 of the Hinterlands Subdivision (c. 1998). This is a corner lot with Whitetail Avenue and Stag Court frontage. The lot is irregular in shape; this irregularity is in part due to a right-of-way eyebrow (bulge in the public right-of-way) at the lot's SW corner.

Staff's understanding of the situation is that the eyebrow was intended to preserve a group of trees (as shown on engineering/construction plans #P-375). Per an Engineering Technician who was working for the city in the 1990's and still works for the city today (retired-part time), there were three engineers working on the Hinterlands Subdivision and "they all pointed fingers at each other for various things." Allegedly, the trees died or were removed before or at the time of sidewalk construction. Regardless, the trees intended to be preserved for the public benefit (by being within the public right-of-way) are no longer present.

The eyebrow creates irregularity which conflicts with the land owner's desire for a building addition, thus this Variance request.

PUBLIC HEARING & NOTICE

Hearing dates are as follows: November 8, 2016 before the Planning Commission

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on October 18, 2016 via first class mail. Notice was sent to agencies by mail or e-mail on the same date. Notice was published in the The Chronicle on October 26, 2016.

AGENCY REFERRALS & COMMENTS

As of the date of this staff report, no agency referrals/comments have been received that are pertinent to the analysis of this proposal.

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

SHMC 17.108.050 (1) – Criteria for granting a Variance

- (a) The proposed variance will not be significantly detrimental in its consequence to the overall purposes of this code, be in conflict with the applicable policies of the comprehensive plan, to any other applicable policies and standards of this code, and be significantly detrimental in its consequence to other properties in the same zoning district or vicinity;
- (b) There are special circumstances that exist which are peculiar to the lot size or shape, topography or other circumstances over which the applicant has no control, and which are not applicable to other properties in the same zoning district;
- (c) The use proposed will be the same as permitted under this code and city standards will be maintained to the greatest extent that is reasonably possible while permitting some economic use of the land;
- (d) Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic landforms, or parks, will not be adversely affected any more than would occur if the development were located as specified in the code; and
- (e) The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.

Discussion: Some laws relevant to this request.

Per SHMC 17.32.060

The minimum rear yard for detached single family dwellings and any building additions (including carports or garages) in the R7 zone is 20 feet. The exterior side (for corner lots) is 14 feet.

Per SHMC 17.108.050 (4)

This standard allows a 20% reduction of yard (setback) requirements for building additions. If used in the rear yard it requires site obscuring plantings

Per SHMC 17.64.050 (5)

No building or portion thereof, regardless of size, shall be placed closer than three feet to a property line

Findings:

(a) This criterion requires a finding that the variance will not be detrimental.

- The Commission needs to determine if this criterion is met to approve the variance or approve it with conditions.
- See applicant's narrative.

- Staff comment(s): If the eyebrow was not there, the basic yard requirements could be met, based on the plan provided by the applicant.

(b) The criterion requires a finding that there are special and unique circumstances.

- The Commission needs to determine if this criterion is met to approve the variance or approve it with conditions.
- See applicant's narrative.

(c) This criterion prohibits a use variance and requires a finding that the applicable standards are maintained to the greatest extent that is reasonably possible.

- A use variance is not proposed. Does the Commission think the setback standard is being maintained to the greatest extent possible?
- See applicant's narrative.
- Staff comment(s): A use variance is not proposed; such is prohibited. If the eyebrow was not there, the basic yard requirements could be met, based on the plan provided by the applicant.

(d) This criterion requires a finding that existing physical and natural systems will not be adversely affected as a result of the requested Variance.

- The Commission needs to determine if this criterion is met to approve the variance or approve it with conditions.
- See applicant's narrative.

(e) This criterion requires a finding that the variance issue is not self-imposed and that the variance is the minimum necessary to alleviate the hardship.

- The Commission needs to determine if this criterion is met to approve the variance or approve it with conditions.
- See applicant's narrative.
- Staff comment(s): If the applicant was the original subdivision developer, they would have some explaining to do and staff would likely have to recommend denial of this Variance and, if possible, impose fines, tree loss mitigation requirements and other punitive measures.

However, the applicant is not the original subdivision developer. ☺

CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff recommends approval of this Variance with the following conditions:

1. This Variance approval is valid for a limited time pursuant to SHMC 17.108.040 (to use the variance for the intended purpose).

2. This variance shall apply to the proposed plan as submitted only or one with equal or less minimum required yard encroachment.
3. No right-of-way encroachment is allowed by the Variance.

Attachment(s): Variance site plan

Proposed building elevations

Applicant's variance narrative

Excerpt of Hinterlands Subdivision Engineering plans #P-375

Aerial photo (year 2000)

Variance site plan with side and rear yard requirements shown

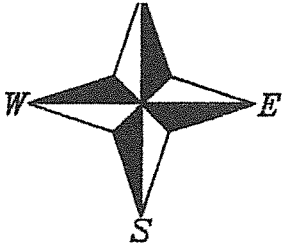
Variance site plan with side and rear yard requirements shown, if
eyebrow was absent

REGISTERED
PROFESSIONAL
LAND SURVEYOR

David E. Reynolds

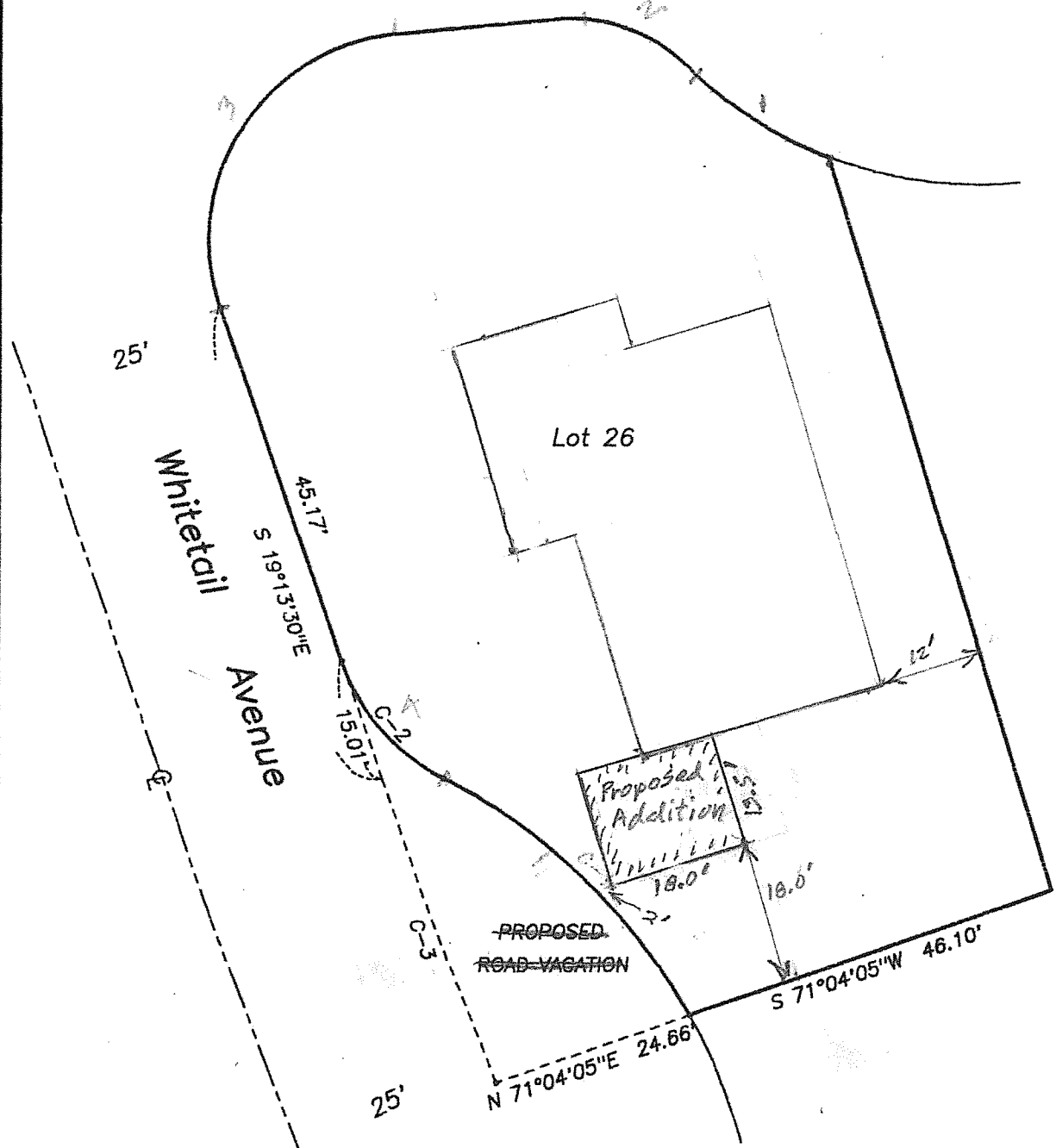
OREGON
JULY 26, 1985
DAVID E. REYNOLDS
2157

RENEWAL DATE: 12-31-2010



Scale: 1"=20'
CF&SF:09055S

Reynolds
Land Surveying, Inc.
32990 Stone Road
Warren, Oregon 97053
(503) 397-5516



Curve Table

CURVE	RADIUS	TANGENT	LENGTH	DELTA	CHORD	CH.BEARING
C-1	69.96'	21.54'	41.80'	34°13'59"	41.18'	N 46°12'07"W
C-2	25.00'	10.12'	19.24'	44°05'37"	18.77'	N 41°16'18"W
C-3	713.38'	19.50'	38.98'	3°07'51"	38.98'	S 20°47'25"E

Application for Variance: Robert and Martha Sipe
59048 Whitetail St. (AKA 59048 Stag Court)
St. Helens, OR 97051
503-397-7191

Criteria for Granting a Variance

1.

a. This variance will not be detrimental to in consequence to this code, be in conflict with policies of the comprehensive plan, or other provisions of this code. It will not be detrimental in its consequence to other properties in the same zone. In face, with the variance, this property will be more in line with surrounding properties in shape and use.

b. At the time that Hinterlands subdivision was platted, the street right of way adjacent to our property and the property abutting to the south included an irregular bulge in order to include a specimen tree that was to be preserved. Unfortunately, when the subdivision was developed, the tree was destroyed during excavation for the street and sidewalk, negating the need for the irregularity in the street right of way.

We plan to construct an addition to our house and due to the irregularity of the right of way line it is not possible to do so meet the required 7 ft. setback from the rear property line.

c. The use will be the same as permitted under this code. We are planning an addition to our house. The outside dimensions of the foundation would be 13.5 ft. x 18.0 ft. One corner of the foundation would be 2 ft. from the property line. The setback of the rest of the lot will be preserved. A site plan is attached.

d. Existing physical and natural systems will not be adversely affected. Except for a small portion where the addition will be built, the affected area will just continue to be part of our back yard.

e. The hardship is not self-imposed. It was the action of the original subdivision planners that created the impossibility of increasing the size of the house without a variance. This variance is the minimum that would eliminate the hardship.

ITARY LINE 2

6+89
22 LF

8" CROSS
8" x 6" REDUCER
3 - 8" G.V.
1 - 6" G.V.

6+90
22 LF

6+98
28 LF

PT = 4+34.37

SA MH WCB-2
STA. 2+71.53, 5.00 LT =
PIPE STA. 6+11.60

*COPY FROM
ENGINEERING/
CONSTRUCTION
PLANS
#P-375*

WHITE TAIL AVENUE

SANITARY LINE 1

5+55
40 LF 4" DIP

EXISTING DRAINAGE WAY
TREES

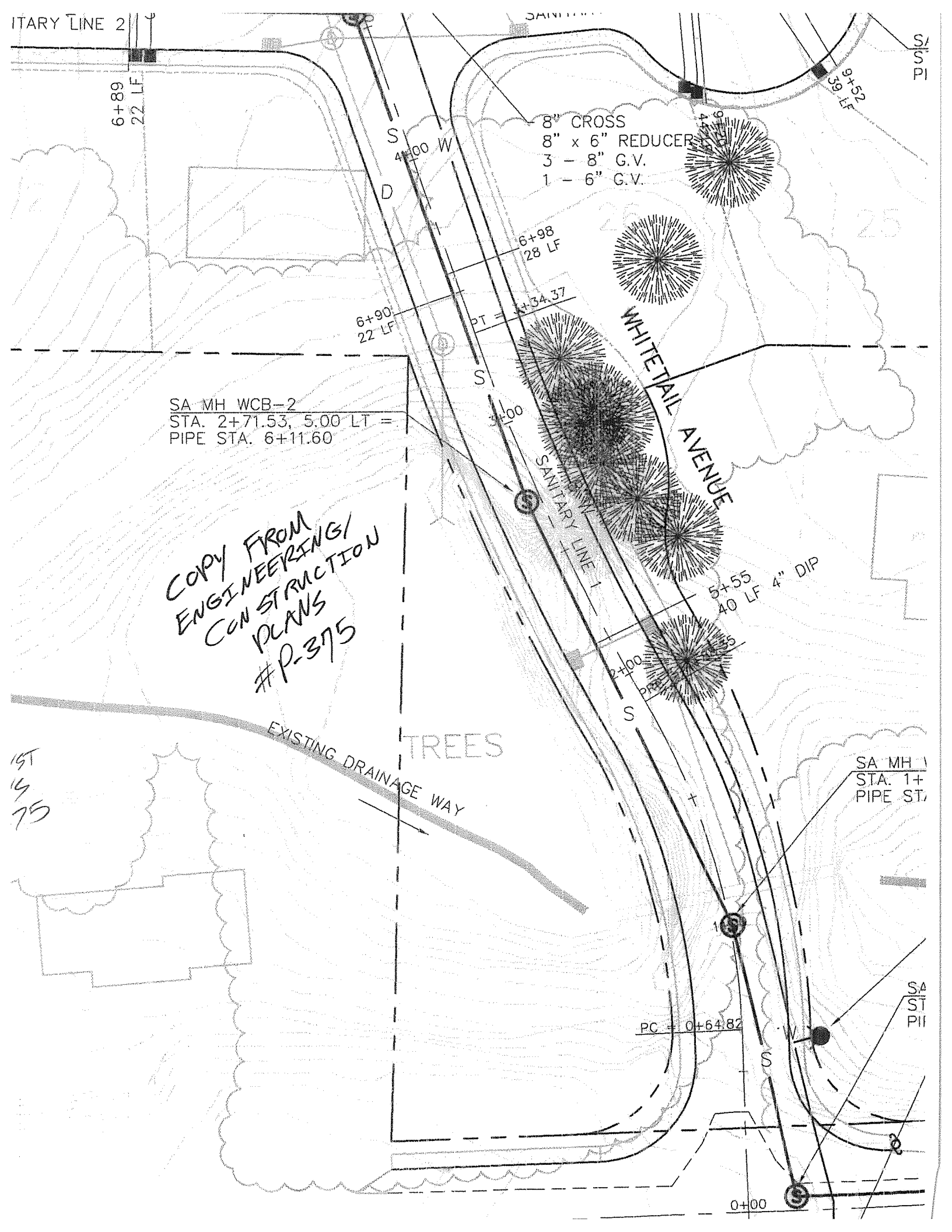
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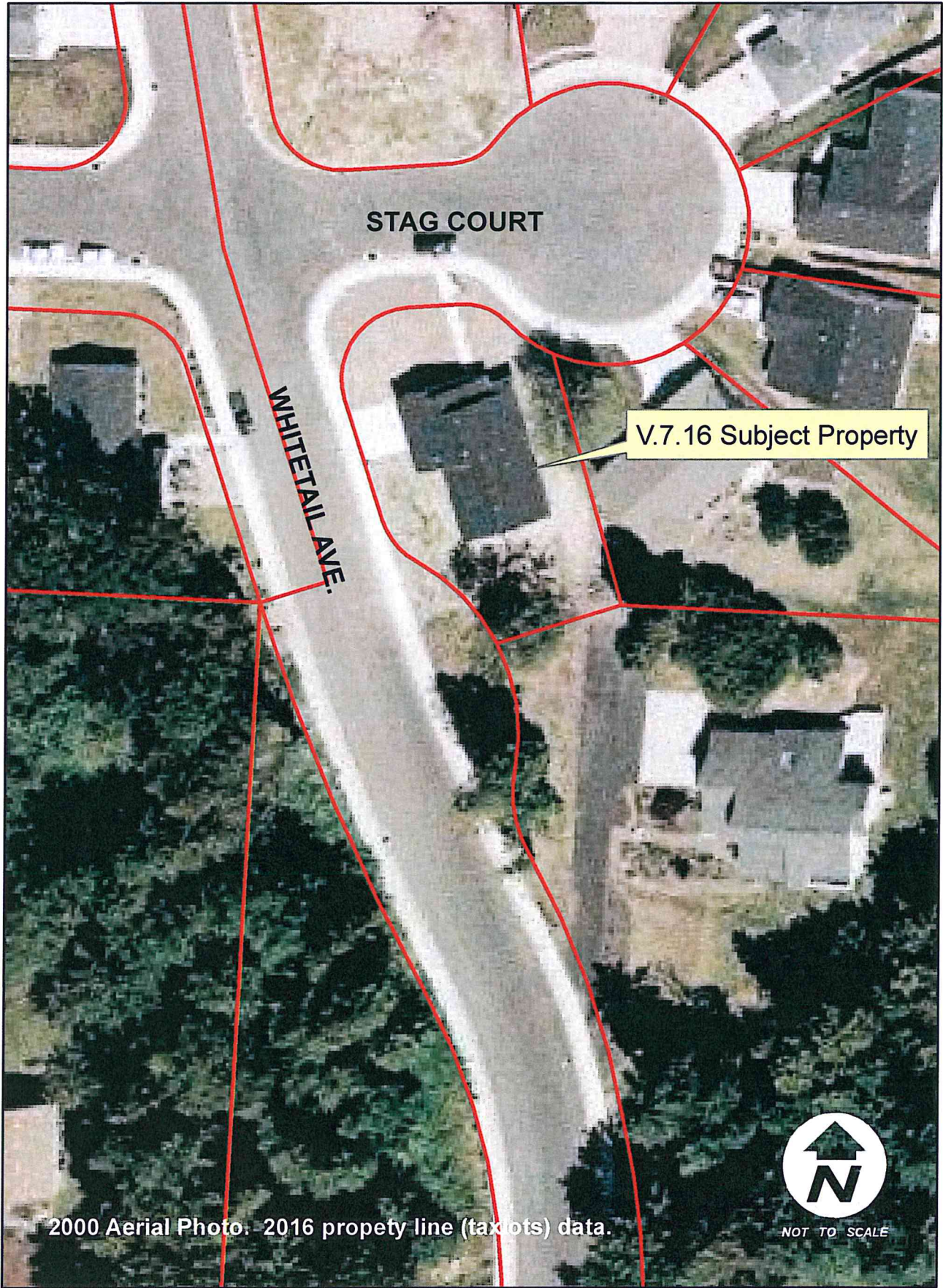
PC = 0+64.82

SA
ST
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1ST
14
75





STAG COURT

WHITETAIL AVE.

V.7.16 Subject Property



2000 Aerial Photo. 2016 property line (tax lots) data.

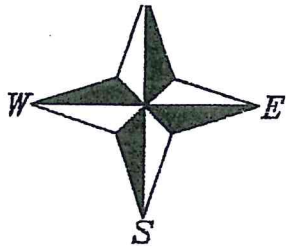
NOT TO SCALE

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OREGON
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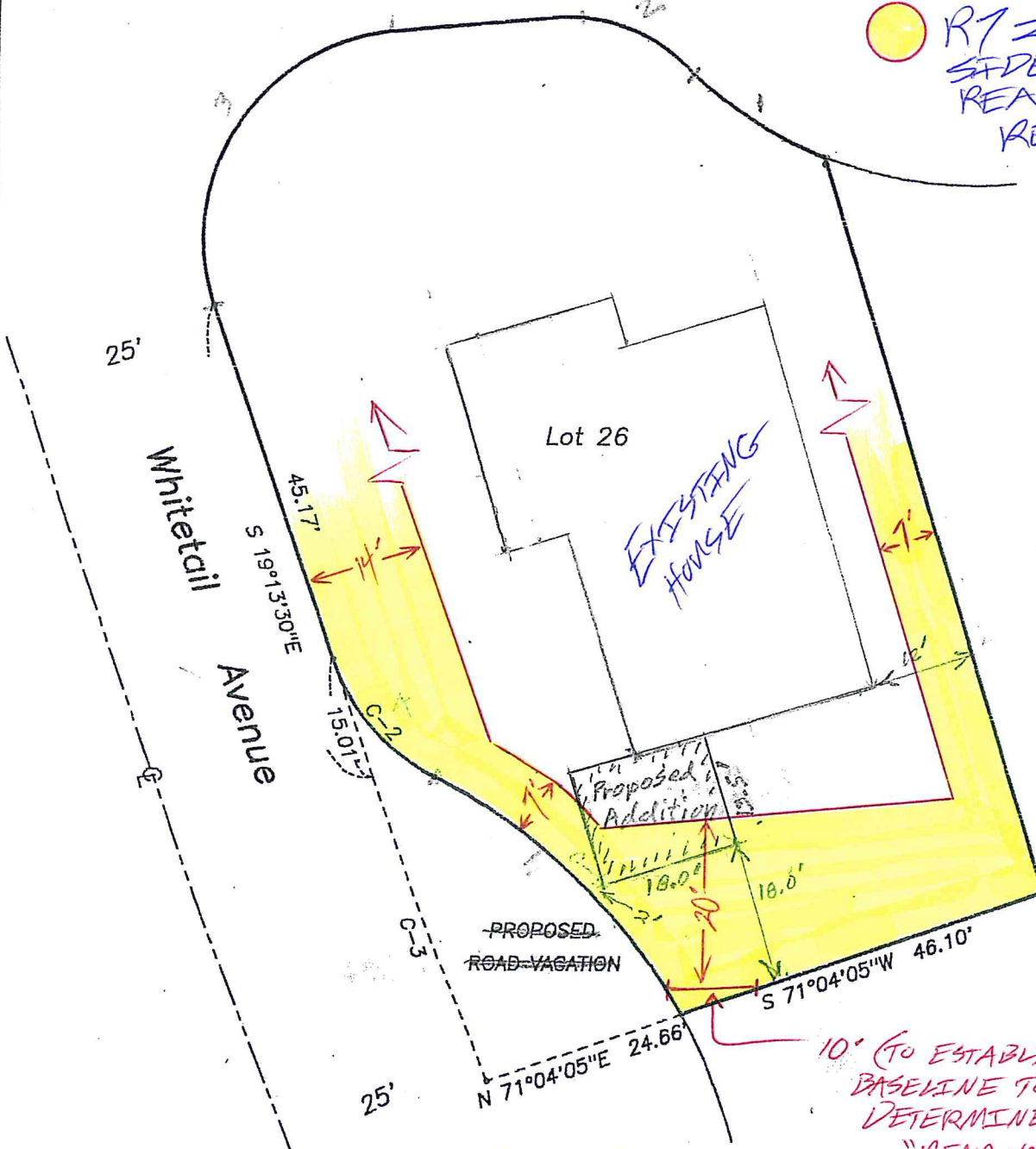
RENEWAL DATE: 12-31-2010



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(503) 397-5516

 R7 ZONE
SIDE &
REAR YARD
REQS.



Curve Table

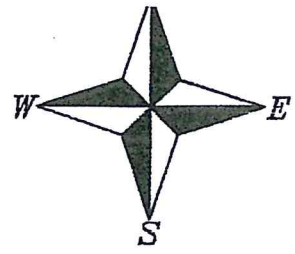
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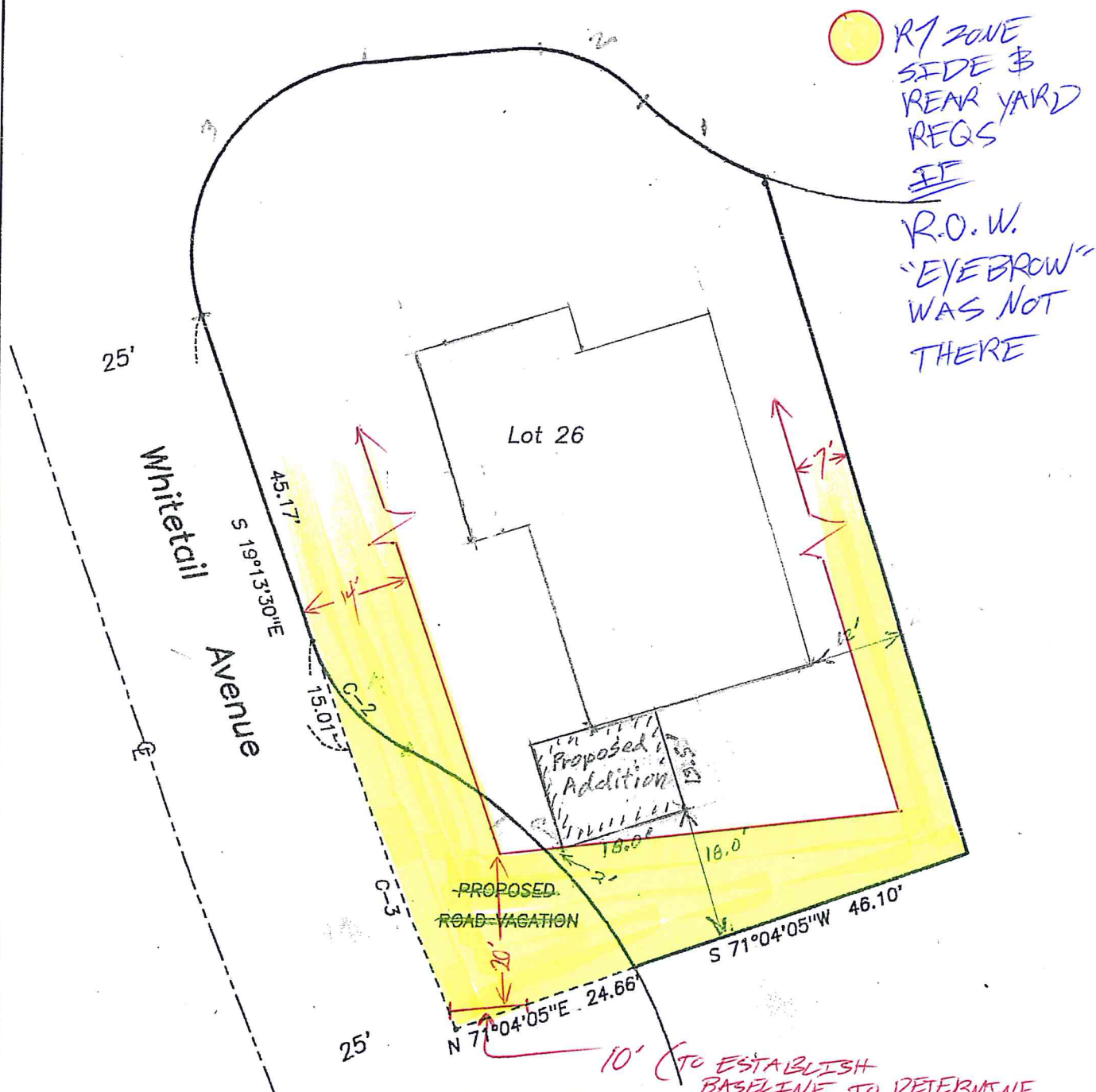
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C-1	69.96'	21.54'	41.80'	34°13'59"	41.18'	N 46°12'07"W
C-2	25.00'	10.12'	19.24'	44°05'37"	18.77'	N 41°16'18"W
C-3	713.38'	19.50'	38.98'	3°07'51"	38.98'	S 20°47'25"E

**CITY OF ST. HELENS PLANNING DEPARTMENT
STAFF REPORT
Variance V.7.16**

DATE: November 1, 2016
TO: Planning Commission
FROM: Jacob A. Graichen, AICP, City Planner

APPLICANT: Wayne Weigandt
OWNER: Wayne & Judith Weigandt

ZONING: Apartment Residential, AR
LOCATION: 5N1W-34CC-11900
PROPOSAL: Variance to allow reduced side yards (setbacks) for a triplex

The 120-day rule (ORS 227.178) for final action for this land use decision is February 8, 2016.

SITE INFORMATION / BACKGROUND

The subject property is vacant. Though on N. 1st Street access to the site is from N. River Street via a public alley that leads to this section of N. 1st Street which is isolated by topography.



The subject property as seen from the east side (facing west). Dwellings atop the hill in the background front N. 2nd Street. The building partially in the photo on the right side is a duplex, which is owned by the applicant and is the most impacted use/structure by this variance request.

PUBLIC HEARING & NOTICE

Hearing dates are as follows: November 8, 2016 before the Planning Commission

Notice of this proposal was sent to surrounding property owners within 300 feet of the subject property(ies) on October 18, 2016 via first class mail. Notice was sent to agencies by mail or e-mail on the same date. Notice was published in the The Chronicle on October 26, 2016.

AGENCY REFERRALS & COMMENTS

As of the date of this staff report, the following agency referrals/comments have been received that are pertinent to the analysis of this proposal:

City Engineering: -No portion of a permanent structure should encroach into the public easement area, including eaves, ducting, bump-outs for chimneys, etc.

-The proposed parking/maneuvering area in the N. 1st Street right-of-way shall not be located any closer to the existing sanitary lift station (PS#2) and surrounding paved surface than the existing embankment.

-Signage shall be posted so that no unauthorized vehicles park in the existing improved area adjacent to PS#2, subject to towing at the vehicle owner's expense.

-Public access shall be provided for pedestrians and/or bicycles to travel along N. 1st Street; may require public access easement on portion of property frontage.

-Building Codes establish certain requirements for foundations when constructed adjacent to existing pipe trenches.

-May require public storm drainage improvements.

Planner's note: many of the comments above pertain to the actual development of the site, which would be separate from this Variance which is specific to the side yard (setback).

APPLICABLE CRITERIA, ANALYSIS & FINDINGS

SHMC 17.108.050 (1) – Criteria for granting a Variance

- (a) The proposed variance will not be significantly detrimental in its consequence to the overall purposes of this code, be in conflict with the applicable policies of the comprehensive plan, to any other applicable policies and standards of this code, and be significantly detrimental in its consequence to other properties in the same zoning district or vicinity;
- (b) There are special circumstances that exist which are peculiar to the lot size or shape, topography or other circumstances over which the applicant has no control, and which are not applicable to other properties in the same zoning district;
- (c) The use proposed will be the same as permitted under this code and city standards will be maintained to the greatest extent that is reasonably possible while permitting some economic use of the land;

- (d) Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic landforms, or parks, will not be adversely affected any more than would occur if the development were located as specified in the code; and
- (e) The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.

Discussion: Some laws relevant to this request.

Per SHMC 17.32.080

The minimum side yard for detached single-family dwellings in the AR zone is 5 feet. Duplexes and multiplexes (3 or more units) require a minimum 10-foot side yard.

The minimum lot size for a duplex in the AR zone is 5,000 square feet. For multidwelling units (3 or more units), the minimum lot size is 5,000 square feet for the first two units and 1,500 for each unit thereafter.

In this case the subject property is 8,700 square feet in size. $8,700 - 5,000 = 3,700$. $3,700 / 1,500 = 2.4$. Thus, just based on size alone (not including design standards), the subject property is large enough for a fourplex.

The maximum height allowed in the AR zone is 35 feet, though the Scenic Resource Review standards of Chapter 17.68 apply since the lot fronts N. 1st Street.

Per SHMC 17.108.050 (4)

This standard allows a 20% reduction of yard (setback) requirements for building additions. If used in the rear yard it requires site obscuring plantings

Per SHMC 17.64.050 (5)

No building or portion thereof, regardless of size, shall be placed closer than three feet to a property line

Findings:

(a) This criterion requires a finding that the variance will not be detrimental.

- The Commission needs to determine if this criterion is met to approve the variance or approve it with conditions.
- See applicant's narrative.
- Staff comment(s): The purpose of yard requirements is for air, light and space. Per the applicant the duplex adjacent to the property on the north side has about a 5' yard next to the subject property. The current standard is 10' for duplexes and triplexes. So under today's rules, there would be 20 feet between buildings (if built today without any Variance). If this variance is granted (request from 10 to 6 feet), there would be 11 feet.

There is a 15' wide sanitary sewer easement on the south side of the property. This yard (setback) cannot be less than 15 feet.

(b) The criterion requires a finding that there are special and unique circumstances.

- The Commission needs to determine if this criterion is met to approve the variance or approve it with conditions.
- See applicant's narrative.
- There is a 15' wide sanitary sewer easement on the south side of the property, which was in place prior to the applicant's purchase of the property.

(c) This criterion prohibits a use variance and requires a finding that the applicable standards are maintained to the greatest extent that is reasonably possible.

- A use variance is not proposed. The applicant requests a reduction from 10 feet to 6 feet. Does the Commission think the setback standard is being maintained to the greatest extent possible?
- See applicant's narrative.
- Staff comment(s): A use variance is not proposed; such is prohibited.

A fourplex is conceivably possible (at least based on area requirements), but a triplex is how the applicant characterizes the proposal. The side yard would be the same for each, as well as a duplex.

(d) This criterion requires a finding that existing physical and natural systems will not be adversely affected as a result of the requested Variance.

- The Commission needs to determine if this criterion is met to approve the variance or approve it with conditions.
- See applicant's narrative.
- Staff comment(s): The development code allows cornices, eaves and similar architectural projections to extend into a required yard not more than 36" provided the features are not less than 36" from a property line (SHMC 17.64.050). There is a 15' wide sanitary sewer easement on the south side of the property. This easement is for the sanitary sewer to exist and for maintenance of the sewer, which can involve large machinery (e.g., excavator).

Note that the easement includes language stating "...Grantor shall not construct or maintain any building or structure which would interfere with the rights herein granted." Such language is used in today's easements too.

With vertical topography on one side and a building on the other maintain the 15' easement above and below ground level is important. This is why architectural projections as described, should not be allowed within the easement. For example,

excavators need vertical clearance. Allowing such would adversely affect the maintenance and thus long term function of the sanitary sewer system.

(e) This criterion requires a finding that the variance issue is not self-imposed and that the variance is the minimum necessary to alleviate the hardship.

- The Commission needs to determine if this criterion is met to approve the variance or approve it with conditions.
- See applicant's narrative.
- Staff comment(s): The sanitary sewer easement has been in place since 1991. It replaced a similar easement in place since the 1950's. The applicant recently acquired the property.

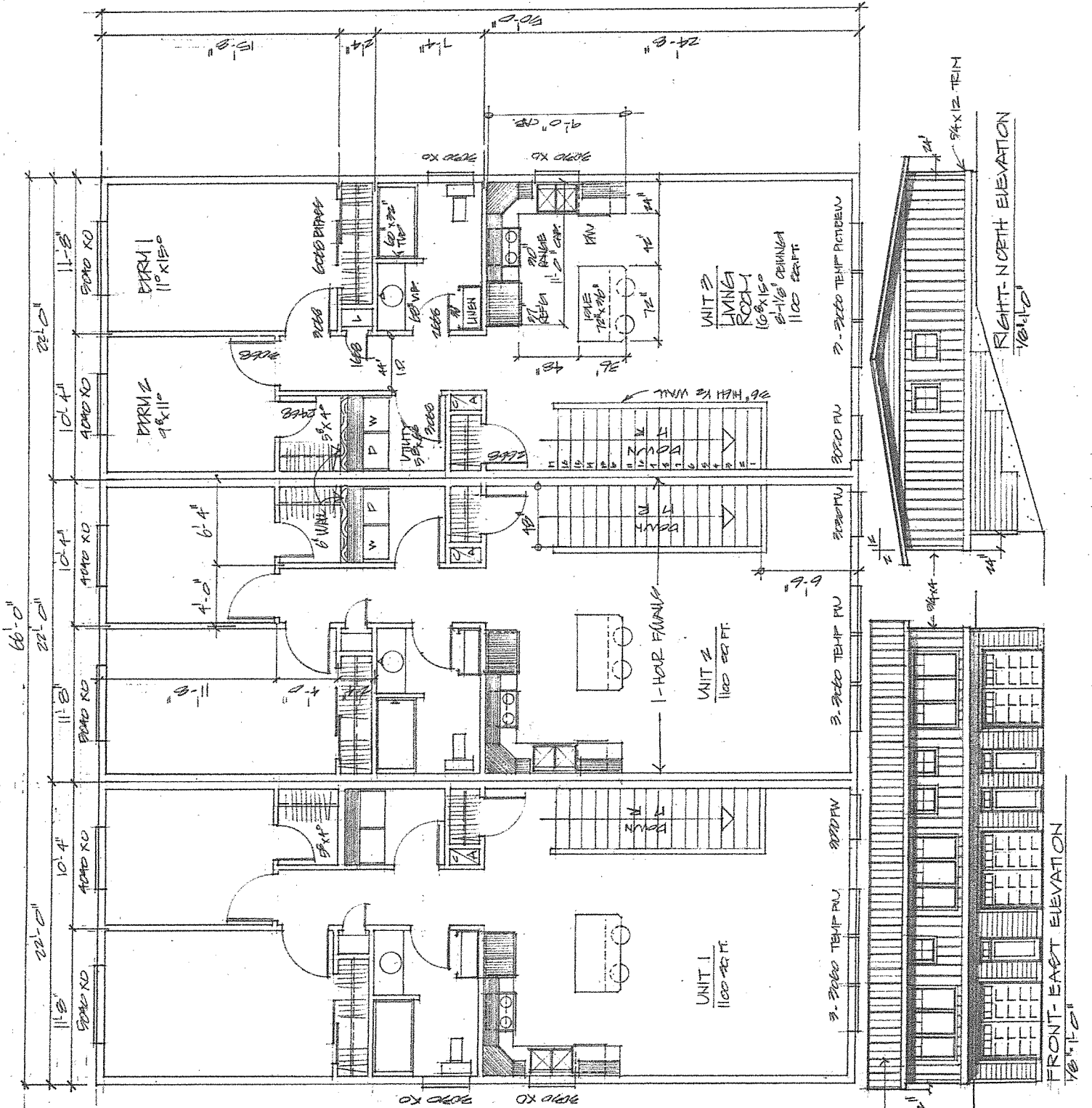
Also, consider the sum of both side yards. If there was no sanitary sewer easement, the applicant could have a 10' side yard on both sides, with a total of 20'. In this case, there is 15' on the south side due to the easement and a requested 6' yard on the north side, the sum of which is 21 feet.

CONCLUSION & RECOMMENDATION

Based upon the facts and findings herein, staff recommends approval of this Variance with the following conditions:

1. This Variance approval is valid for a limited time pursuant to SHMC 17.108.040 (to use the variance for the intended purpose).
2. This variance shall apply to the proposed plan as submitted only or one with equal or less minimum required yard encroachment.
3. No encroachment into the Sanitary Sewer easement is granted by this Variance. This includes but is not limited to encroachment by cornices, eaves and similar architectural projections. If a foundation butts up against the easement, no projections from that side of the building will be allowed.

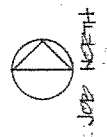
Attachment(s): Variance site plan
Proposed building elevations/floorplans
Applicant's variance narrative
1991 Sanitary Sewer Easement



FIRST FLOOR PLAN
 1/4" = 11'-0"
 DATE: 10/12/2016
 BY: L. P. 2016

WAYNE WEINMUT
 55 NORTH 1ST ST.
 ST. HELENS, OREGON
 (503) 276-0066

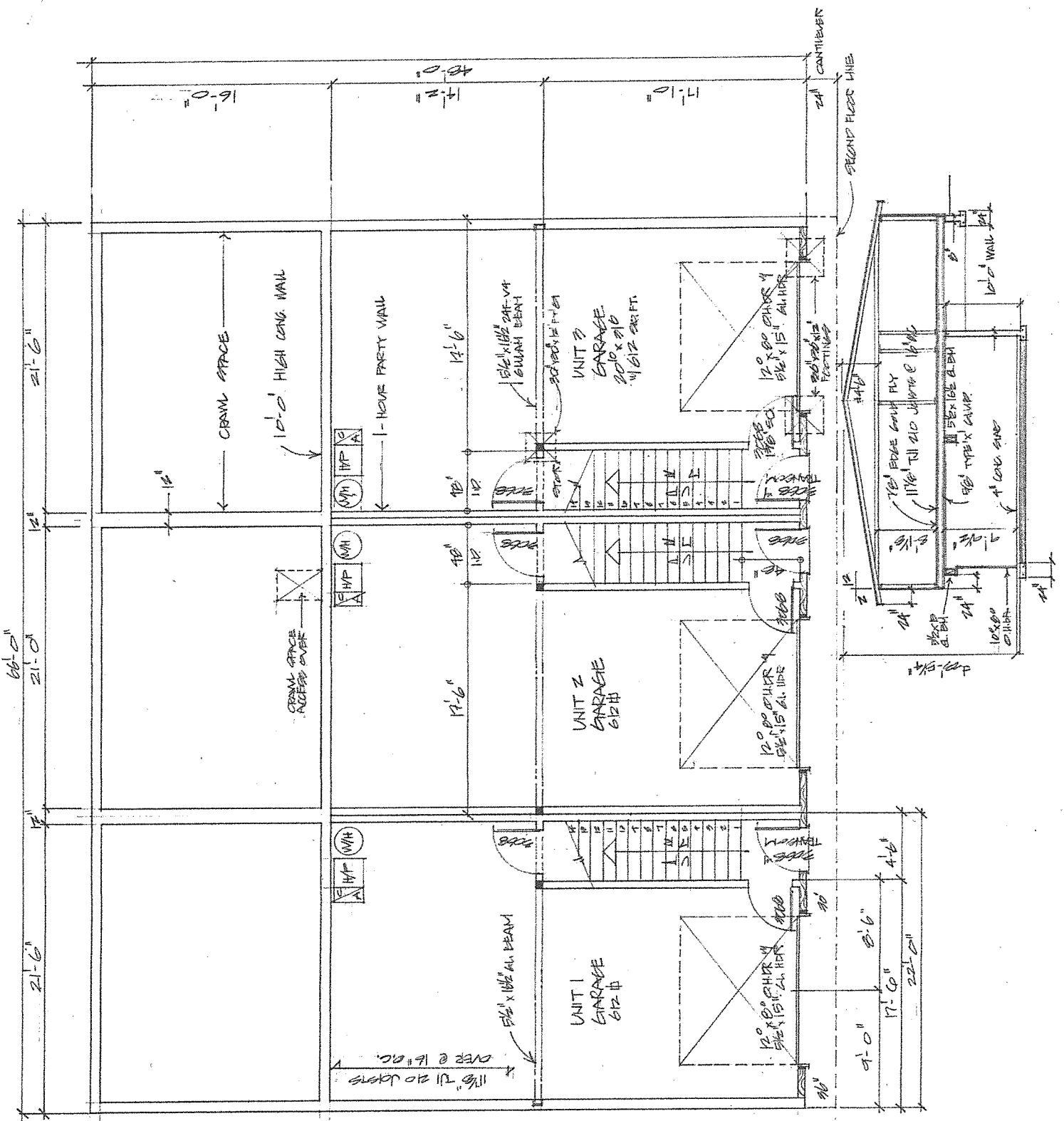
1100 SQ. FT. PER UNIT



METAL ROOFING

FRONT-EAST ELEVATION
 10'-0"

RIGHT-NORTH ELEVATION
 10'-0"



BASEMENT PLAN 1/4" = 1'-0"

612 SQ. FT. GARAGE
 91/2 SQ. FT. STAIRS
 704 TOTAL SQ. FT. @ PAINT

WAYNE VEKANNIOT
 PLS NORTH 1ST ST.
 DR. HELENS, CRENSON
 DATE: 10-12-2016
 (502) 946-0868
 REV. 10.13.2016



Construction Variance Request

I am requesting a setback Variance to the North side of my lot from required 10' to 6'.

I am proposing to construct a 3plex on a lot I own at 135 N. First, St. Helens, OR. It is zoned AR and my proposed 3 plex is an outright use in this zone.

The lot has complexities that are peculiar to this lot. The City of St. Helens has an easement on the Southerly most 15' that cannot be encroached on.

I own the adjacent property to the North and I constructed a permitted duplex about 20 years ago. It has a 5' side yard setback on its South side.

17.32.080 provides standards for the AR zone that I will address:

4.a My lot has 8,700 square feet so it complies for required square footage for a 3 plex.

4.b I meet the 20' front yard

4.c I meet the required street frontage.

4.d The lot is 100' deep so it complies.

4.e The required side yard setbacks are 10' each side (20' total). I am requesting a variance to the side yard setback on the North to be 6'. The side yard setback on the South will be 15'. (21' total). Please note that my proposed total setback will be more than the required total of 20'.

4.f My rear yard set back is 32'.

4.g N/A

4.h I negotiated a height restriction with seller to protect her and also neighboring property owners views. This height is well below 35'.

4.i I will occupy approximately 35% of the lot.

As you can see on the submitted plot plan I will meet or exceed the setback requirements on all sides except the North. This is the side I am requesting a variance to be 6' because of conditions beyond my control. I meet all parking requirements. I feel I meet the spirit of the setback requirement in that the total of my side yard setback will be 21'. Also I own the property to the North that would be most affected by the variance, and I have no objection to this side yard variance request.

17.108.050 provides criteria for granting a variance.

1.a This proposed construction is not in conflict with the policies of the Comprehensive Plan. Also it is not in conflict or detrimental to any other local policies or standards. All

adjacent property owners to the West, South, and East (street) are protected by compliance to the required setbacks that meet or exceed minimum requirements. Only the property owner to the North, which I own, would be affected. I have no objection to the side yard setback reduction from 10' to 6'.

1.b My lot has special circumstances that are not common, and are peculiar to this property. The City of St. Helens has an easement that affects the Southerly 15' of my property. This easement is totally on my property as it does not straddle a common property line that sometimes occurs for easements. If it had straddled the common property line to the South – which is more common, there would not be a need for this variance request.

1.c The proposed use is an outright permitted use and provided for in the city codes.

1.d There are no adverse affects to the existing physical or natural systems.

1.e This hardship is not self imposed as it exists as a result of an City of St. Helens Easement.

City Planner, Jacob Greichen and City Engineer, Sue Nelson have explained to me that the City of St. Helens in a long range plan has identified a bike path that can connect Columbia Blvd. traffic to the Marina District and Marine Parks. It is my intent to work with the City to provide for this Bike Path. Please see that this Bike Path is noted on the Plot Plan, and could provide for this connection.

Respectfully Submitted


Wayne Weigandt

10/3/2016

SANITARY SEWER EASEMENT

P01

On this 4th day of March, 1991, the undersigned Grantors, hereby grant, convey and warrant to the City of St. Helens, a municipal corporation, Grantee, for consideration of one thousand, three hundred and fifty dollars (\$1,350.00) a **Permanent Easement** under, across and over the property described in the attached Legal Description.

The easement is for the purpose of constructing, operating, maintaining, replacing, enlarging and repairing a pipeline for the conveyance of sewage and surplus water.

Grantor reserves the right to use the easement to construct driveways, paving, landscaping and fill, provided; that Grantor shall not construct or maintain any building or structure which would interfere with the rights herein granted. Grantee shall, to the extent reasonably practicable, restore items disturbed by exercise of rights provided by this easement.

Together with a:

Temporary Easement over that property described on the attached legal description. The temporary easement is for any work required by the Wastewater System Improvements Phase II project. This work includes excavation, new sewer construction, and improvements to existing sewers. Temporary easement will terminate upon completion of the construction, or by Dec. 31, 1992, whichever occurs earlier. Grantee shall, to the extent reasonably practicable, restore items disturbed by exercise of rights provided by this easement.

Grantee shall obtain possession of all of the above described easements upon receipt of this executed document.

Earl N. Seawright
By: Seawright Loving Trust
Title: Trustee

BY: Jeanne M. Seawright
SEAWRIGHT LOVING TRUST
Title: Trustee

State of Oregon, County of Columbia

This instrument was acknowledgment before me on this 4th day of March, 1991

by: Earl N. seawright & Jeanne m. seawright
as Trustees of seawright Loving Trust.

Before me Karen A. Sceva
Notary public for Oregon
My commission expires 5-29-94

Karen A. Sceva
KAREN A. SCEVA
NOTARY PUBLIC - OREGON
My Commission Expires 5-29-94

STHL0001
P1
1-14-91
J.S.W.

LEGAL DESCRIPTION

PERMANENT SEWER EASEMENT

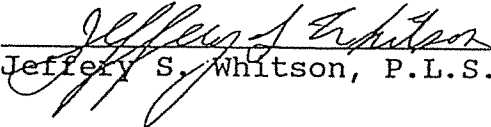
A portion of Lots 3, and 20 of Block 16, City of St. Helens located in the northwest one-quarter of Section 3, in Township 4 North and Range 1 West and also in the southwest one-quarter of Section 34, in Township 5 North and Range 1 West of the Willamette Meridian in the City of St. Helens, County of Columbia and State of Oregon, being more particularly described as follows:

A portion of Lot 3, Block 16; the southerly 15.00 feet of the northerly one-half of said Lot 3; containing 1,500 square feet, more or less.

A portion of Lot 20, Block 16; the southerly 15.00 feet of the northerly one-half of said Lot 20; containing 1,500 square feet, more or less.

TEMPORARY CONSTRUCTION EASEMENT

A portion of Lot 3, Block 16; the northerly 10 feet of said Lot 3; except any portion falling within that easement conveyed to the City of St. Helens in Book 136, Page 210, Columbia County Deed Record, containing 420 square feet, more or less.


Jeffery S. Whitson, P.L.S. 2361

I hereby certify that the within instrument was received for record and recorded in the County of Columbia, State of Oregon.
1469 '91 MAR 21 P12:39

Instrument # 91-1469
Pages 2



ELIZABETH HUSER, County Clerk

By: ABE A. M. Deputy

Receipt # Fees \$ 20.00

97699

CITY OF ST. HELENS PLANNING DEPARTMENT ACTIVITY REPORT



To: City Council
From: Jacob A. Graichen, AICP, City Planner

Date: 10.25.2016

This report does not indicate all *current planning* activities over the past report period. These are tasks, processing and administration of the Development Code which are a weekly if not daily responsibility. The Planning Commission agenda, available on the City's website, is a good indicator of *current planning* activities. The number of building permits issued is another good indicator as many require Development Code review prior to Building Official review.

PLANNING ADMINISTRATION

Coordinated initial Urban Renewal process acceptance efforts with consultants, staff and the Council. Also some other preliminary work in this regard.

Sent letters to a couple property owner alerting them of some land division/property line problems in the Houlton area just south of the Columbia County Shrine Club property.

The Building Permit Technician and I gave a presentation to SHHS remodel class students about building permit process and details.

Both the Assistant Planner and I reviewed the first draft of the Statement of Work (SOW) for the Riverfront Connector corridor plan project. The SOW is required to be negotiated with ODOT by December 16, 2016. We are ahead of schedule.

Had a preliminary Q&A meeting with Community Action Team about a potential low income housing project in the Houlton area using State of Oregon Lift Funds (a new and yet untested funding program).

DEVELOPMENT CODE ENFORCEMENT

Inform a property owner about some land work at 201 Port Avenue.

PLANNING COMMISSION (& *acting* HISTORIC LANDMARKS COMMISSION)

October 11, 2016 meeting (outcome): The Commission conducted a public hearing for Elk Ridge Phase 6, a 58-lot subdivision. Deliberations were continued to next month.

November 8, 2016 meeting (upcoming): The Commission will conduct four public hearings: 1) a zone change on Bradley Street, 2) deliberations for Elk Ridge (from the October meeting), 3) a setback variance at 59048 Whitetail Avenue and 4) a setback variance on a vacant lot behind 134 N. 2nd Street.

The Commission will also review a proposed sign on the Muckle Building as it related to the Riverfront District's Architectural Guidelines.

GEOGRAPHIC INFORMATION SYSTEMS (GIS)

Data fix (found some mistakes in our Comprehensive Plan data).

MAIN STREET PROGRAM

Worked with this year's coordinator on a work plan (required by the RARE program).

ASSISTANT PLANNER—*In addition to routine tasks, the Assistant Planner has been working on:*
See attached.

Jacob Graichen

From: Jennifer Dimsho
Sent: Monday, October 24, 2016 10:46 AM
To: Jacob Graichen
Subject: October Planning Department Report

Here are my additions to the October Planning Department Report.

GRANTS

1. OPRD McCormick Picnic Shelter Grant (16k grant, 30k project). Authorized purchase for shelter.
2. Riverfront Connector TGM grant: Reviewed draft SoW
3. Travel Oregon Grant – Revised timeline, site visit with potential consultant firm, began drafting RFQ

EPA AWP

4. Oct 12 Final Open House – Preparations for location, food & drink, press, outreach, reviewed materials, uploaded materials/photos online
5. Reviewed Draft Framework Plan

MISC

6. ACC Postcard kit sales for businesses
7. Attended ACC Meeting Oct 25 –Gateway P.2 Budget discussion
8. Urban Renewal Kickoff Meeting at EcoNW on Oct 20
9. Attended Parks Commission - Update on ODOT right-of-way purchase of Dalton Lake property
10. Joined the CAT's Guidance Committee for the Housing Needs Analysis
11. Completed application for Everybody Walks Micro-grant Program (\$1,500) for the Gateway Sculpture Project: Phase 2
12. Met with CAT about an affordable housing project on in Houlton Business District on 18th St.
13. Worked with Columbia County Assessor's Office to require a signature from the St. Helens Planning Department in their tax lot segregation form if the property is within City limits
14. Researched other jurisdiction's Historic Preservation demolition code regarding a photo documentation requirement
15. Researched CCR/HOA maintenance rules for the common area tracts in the Oak Ridge Phase 2 Subdivision
16. Columbia County Year of Wellness – Reached out to local business learn about existing worksite wellness programs
17. Attended Emerging Local Government Leaders (ELGL) 2016 Pop-up Conference in Portland on October 21
18. Attended the Oregon American Planning Association's (OAPA) Conference in Portland October 27-28
19. Researched purchasing new desk/monitor

Jenny Dimsho

Assistant Planner
City of St. Helens
(503) 366-8207
jdimsho@ci.st-helens.or.us